FEDERAL REGISTER

VOLUME 9 NUMBER 194

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Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

RECRUITMENT AND PLACEMENT, AMENDMENT

§ 18.4 *Recruitment and placement.* * * *

(d) *Selection.* The nominating or appointing officer shall, with sole reference to merit and fitness, make selections for appointment to each vacancy from not more than the highest three names available for appointment on the certificate: *Provided,* That the appointing officer need not consider any eligible who has been within his reach in connection with three separate appointments or against whom objection shall be made and sustained for any of the reasons stated in § 18.2 (c) of this part. The second and any additional vacancies shall be filled in like manner.

An appointing officer who passes over an eligible granted five- or ten-point preference under these regulations and tentatively selects a nonpreference eligible shall file with the Commission his reasons in writing for so doing and the Commission shall determine the sufficiency or insufficiency of such submitted reasons. The nonpreference eligible tentatively selected may not legally be appointed until the appointing officer has considered the findings of the Commission as to the sufficiency or insufficiency of the reasons submitted for passing over the preference eligible. Upon receipt of a finding of the Commission that the reasons for passing over a preference eligible are sufficient, the nonpreference eligible tentatively selected may be appointed. If the Commission finds that the reasons submitted are insufficient the appointing officer may (1) submit additional information in support of his reasons, in which case the appointment of the nonpreference eligible may not be made until the appointing officer receives the findings of the Commission on the additional information; or (2) consider the findings of the Commission as to the insufficiency and appoint either the preference eligible or the tentatively selected nonpreference eligible. A copy of the appointing officer's reasons and the Commission's findings shall, upon request, be sent to the eligible or his designated representative. If upon certification reasons deemed sufficient by the Commission for passing over his name shall three times have been given by appointing officers, certification of his name for appointment will thereafter be discontinued, prior notice of which shall be sent to the eligible. Any eligible who has been within reach in connection with three separate appointments in his turn, and any preference eligible who has been passed over three times for reasons deemed sufficient by the Commission, may be subsequently selected, subject to the approval of the Commission, from the certificate on which his name last appeared if the condition of the list has not so changed as to place him in other respects beyond reach of certification.

NOTE: This section supercedes Civil Service Rule VII, 5 CFR, Part 7, with respect to positions covered by these regulations.

(E.O. 9063, 9243, 3 CFR Cum. Supp. Directive X, War Manpower Commission, Sept. 14, 1942, 7 F.R. 7293)

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

SEPTEMBER 12, 1944.

[F. R. Doc. 44-14835; Filed, Sept. 26, 1944; 3:22 p. m.]

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per unit. The following are now available:

Book 1: Titles 1–3 (Presidential documents) with tables and index.
Book 2: Titles 4–9, with index.
Book 3: Titles 10–17, with index.
Book 4: Titles 18–25, with index.
Book 5, Part 1: Title 26, Parts 2–178.
Book 5, Part 2: Title 26, completed; Title 27; with index.
Book 6: Titles 28–32, with index.

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TITLE 7—AGRICULTURE

Chapter IX—War Food Administration (Marketing Agreements and Orders)

PART 970—MILK IN THE CLINTON, IOWA, MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK IN CLINTON, IOWA, MARKETING AREA

AUTHORITY: §§ 970.0 to 970.12, inclusive, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 1940 ed. 601 et seq.

§ 970.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq.) a public hearing was held upon a proposed marketing agreement and proposed order regulating the handling of milk in the Clinton, Iowa, marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is hereby found that:

(1) The issuance of this order regulating the handling of milk in the said marketing area, and all the terms and

conditions of this order, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement, upon which a hearing has been held; and

(4) The handling of all milk sold or disposed of in the marketing area, as defined herein, is in the current of interstate commerce, or directly burdens, obstructs or affects interstate commerce in milk and its products.

(b) *Additional findings.* (1) It is hereby found and proclaimed in connection with the execution of a marketing agreement and the issuance of an order regulating the handling of milk in the said marketing area, that the purchasing power of such milk during the pre-war period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk for the period August 1924–July 1929 can be satisfactorily determined from available statistics of the Department of Agriculture and the period August 1924–July 1929 is the base period to be used in connection with the said marketing agreement and this order in determining the purchasing power of such milk.

(2) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will amount to approximately $3,600 per year; and the pro rata share of such expenses to be paid by each handler is hereby approved in the maximum amount of 5 cents per hundredweight on all milk received from producers and produced by such handler during each delivery period.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of at least 50 percent of the volume of milk which is marketed within the said marketing area refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the act to advance the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of the order and who, during the month of June 1944 (which month is hereby determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered, That such handling of milk in the Clinton, Iowa, marketing area as in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall from the effective date hereof be in compliance with the terms and conditions of this order.

§ 970.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is or who may be authorized to exercise the powers and to perform the duties, pursuant to the act, of the War Food Administrator of the United States.

(c) "Clinton, Iowa, marketing area," hereinafter called the "marketing area," means the territory lying within the corporate limits of the city of Clinton and that part of Camanche Township, including the city of Camanche, lying east of sections 2, 11, 14, 23, 26, and 35, all in Clinton County in the State of Iowa.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether such person is also a handler, who, under certification by the health authorities of the city of Clinton, produces milk which is received at a plant from which Class I milk is disposed of in the marketing area or which is caused to be diverted by a cooperative association from a plant from which Class I milk is disposed of in the marketing area to a plant from which no milk is disposed of as Class I milk in the marketing area.

(f) "Handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers or other handlers, all or a portion of which milk is disposed of as Class I milk in the marketing area. This definition shall include a cooperative association with respect to the milk of any producer which it causes to be diverted from a plant from which milk is disposed of as Class I milk in the marketing area to a plant from which no milk is disposed of as Class I milk in the marketing area.

(g) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided,* That (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of the milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(h) "Delivery period" means the period from the effective date hereof to and including the last day of that month. Subsequent to that month, "delivery period" means the period from the first to the last day of each month, both inclusive.

(i) "Market administrator" means the agency which is described in § 970.2 for the administration hereof.

(j) "Cooperative association" means any cooperative association of producers which the War Food Administrator determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(k) "Emergency milk" means milk, skim milk, or cream received by a handler pursuant to § 970.6 from sources other than producers or other handlers.

§ 970.2 *Market administrator—(a) Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the War Food Administrator.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof.

(2) Investigate and report to the War Food Administrator complaints of violations of the provisions hereof.

(3) Make rules and regulations to effectuate the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator.

(2) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the War Food Administrator may designate.

(3) Submit his books and records to examination by the War Food Administrator at any and all times.

(4) Furnish such information and such verified reports as the War Food Administrator may request.

(5) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator.

(6) Publicly disclose to handlers and producers, unless otherwise directed by the War Food Administrator, the name

of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 970.5 or (ii) made payments pursuant to § 970.8.

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof.

(8) Pay, out of the funds provided by § 970.9, (i) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses necessarily incurred in the maintenance and functioning of his office.

(9) Promptly verify the information contained in reports submitted by handlers.

§ 970.3 *Classification of milk*—(a) *Basis of classification.* All milk, skim milk, or cream purchased or received by a handler or caused to be diverted by a cooperative association to a plant from which no milk is disposed of as Class I milk in the marketing area shall be reported by the handler and shall be classified by the market administrator in the classes set forth in (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in (a) and (d) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk, skim milk, or cream disposed of in the form of milk, skim milk, buttermilk, flavored milk and milk drinks, and cream, for consumption as cream (including any cream product in fluid form containing 6 percent or more butterfat), and all milk not specifically accounted for as Class II milk.

(2) Class II milk shall be all milk, skim milk, and cream used to produce a milk product other than those specified in Class I milk and milk accounted for as actual plant shrinkage: *Provided,* That allowance for such plant shrinkage shall not exceed 3 percent of the total receipts of milk from producers.

(c) *Responsibility of handlers.* In establishing the classification of milk as required in (b) of this section, the burden rests upon the handler who receives milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(d) *Transfers of milk and cream.* (1) Milk, skim milk, and cream shall be classified as Class I milk when moved from the plant of a handler (i) to the plant of another handler who receives milk from producers: *Provided,* That if such milk, skim milk, or cream was utilized in Class II, it shall be classified accordingly subject to verification by the market administrator; (ii) to the plant of a handler who receives no milk from producers other than milk of his own production; and (iii) to the plant of a person, other than a handler, who distributes milk, skim milk, or cream in fluid form for consumption as such.

(2) Milk, skim milk, and cream received at the plant of a handler from sources other than producers or other handlers shall be Class II milk except for such milk in excess of the total Class II utilization of the receiving handler.

(3) Milk, skim milk, and cream, disposed of by a handler to the plant of a person, other than a handler, who does not distribute milk, skim milk, or cream for consumption in fluid form shall be classified as Class II milk.

(e) *Computation of the milk in each class.* For each delivery period, the market administrator shall compute in the case of each handler the amount of milk in each class as defined in (b) of this section as follows:

(1) Determine the total pounds of milk received as follows: add into one sum the total pounds of milk, skim milk, and cream received from (i) producers; (ii) the handler's own farm production; (iii) other handlers; and (iv) other sources.

(2) Determine the total pounds of butterfat received as follows: multiply by its average butterfat test the weight of the milk, skim milk, and cream received from (i) producers; (ii) the handler's own farm production; (iii) other handlers; and (iv) other sources. Add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) convert to pounds the total quantity of milk, skim milk, and cream disposed of in each of the several products of Class I; (ii) add together the resulting amounts; and (iii) if the quantity of milk so computed when added to the pounds of Class II milk computed pursuant to (5) (iv) of this paragraph is less than the total pounds of milk received in accordance with (1) of this paragraph, an amount equal to the difference shall be added to the sum obtained in (ii) of this subparagraph.

(4) Determine the total pounds of butterfat in Class I as follows: (i) multiply the actual weight of each of the several products of Class I by its average butterfat test; (ii) add together the resulting amounts; and (iii) if the quantity of butterfat so computed, when added to the pounds of butterfat in Class II computed pursuant to (6) (iv) of this paragraph is less than the total pounds of butterfat received in accordance with (2) of this paragraph, an amount equal to the difference shall be added to the sum obtained in (ii) of this subparagraph.

(5) Determine the total pounds of milk in Class II as follows: (i) compute the total pounds of milk, skim milk, and cream which were used to produce each of the several products of Class II; (ii) add together the resulting amounts; (iii) subtract the total pounds of milk computed pursuant to (3) (ii) of this paragraph and the total pounds of milk computed pursuant to (ii) of this subparagraph from the total pounds of milk computed pursuant to (1) of this paragraph, which resulting quantity up to 3 percent of the total receipts of milk from producers, shall be allowed as plant shrinkage for the purposes of this paragraph; and (iv) add together the result obtained in (ii) of this subparagraph and the amount of plant shrinkage allowed pursuant to (iii) of this subparagraph.

(6) Determine the total pounds of butterfat in Class II as follows: (i) multiply the actual weight of each of the several products of Class II by its average butterfat test; (ii) add together the resulting amounts; (iii) subtract the total pounds of butterfat computed pursuant to (4) (ii) of this paragraph and the total pounds of butterfat computed pursuant to (ii) of this subparagraph from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity up to 3 percent of the total receipts of butterfat from producers shall be allowed as plant shrinkage for the purposes of this paragraph; and (iv) add together the result obtained in (ii) of this subparagraph and the amount of plant shrinkage allowed pursuant to (iii) of this subparagraph.

(7) Determine the classification of milk of producers as follows: (i) subtract from the pounds of milk in each class the pounds of milk, skim milk, and cream received from other handlers and allocated to each class in accordance with (d) of this section; (ii) subtract from the remaining pounds of milk in Class II the total pounds of milk, skim milk, and cream, except emergency milk, received from sources other than producers, own farm production, and other handlers: *Provided,* That if the quantity of milk, skim milk, and cream, so received, is greater than the remaining quantity of Class II milk of such handler, an amount equal to the difference shall be subtracted from the remaining pounds of Class I milk; (iii) subtract pro rata from the remaining pounds of milk in each class the total pounds of milk which were received from the handler's own farm production and emergency milk; (iv) if the remaining quantity of milk is greater than, or contains a greater quantity of butterfat than the handler reported having received from producers, an amount equal to the difference shall be subtracted pro rata from the remaining pounds of milk or butterfat in each class; and (v) the result shall be known as the "net pooled milk" in each class.

§ 970.4 *Minimum prices*—(a) *Class prices.* Each handler shall, subject to the provisions of (b) of this section, pay at the time and in the manner set forth in § 970.8 not less than the prices set forth in this section per hundredweight of milk received during each delivery period at such handler's plant or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area.

(1) For Class I milk—the price shall be 50 cents per hundredweight more than the price resulting from the following computation by the market administrator: determine the average of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the plants listed in this subparagraph: *Provided,* That if the price so determined is less than the price computed by the market administrator in accordance with the following formula,

such formula price shall be used in lieu of the above-stated price: (i) multiply by 6 the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function); (ii) add 2.4 times the average weekly prevailing price of the cheese known as "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin (in the absence of such prices the prevailing price of "Twins" at Chicago as reported by the United States Department of Agriculture, or such other Federal agency as may be authorized to perform this price reporting function, shall be used); (iii) divide the resulting sum by 7; (iv) add 30 percent thereof; and (v) multiply the result by 3.5.

Amboy Milk Products Co., Amboy, Ill.
Borden Company, Dixon, Illinois
Borden Company, Sterling, Illinois
Carnation Milk Company, Oregon, Illinois
Dean Milk Company, Belvidere, Illinois
Dean Milk Company, Pearl City, Illinois
Dean Milk Company, Pecatonica, Illinois
Libby, McNeil and Libby Co., Morrison, Ill.
Pet Milk Company, Schullsburg, Wisconsin
United Milk Products Co., Argo Fey, Ill.

(2) For Class II milk, the price shall be the result of the following computation by the market administrator: multiply by 3.5 the average wholesale price per pound of 92-score butter at Chicago as reported by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) during the delivery period in which such milk was received, add 20 percent thereof and add any plus amount resulting from the following calculation: Subtract 6 cents from the average price per pound of casein and multiply such result by 2.3. The price per pound of casein to be used shall be the average of the carlot prices for unground casein f. o. b. drying plants in the Chicago area as reported by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) during the delivery period in which such milk was received.

(b) *Butterfat differentials to handlers.* (1) If the average butterfat content of the milk of producers disposed of as Class I by any handler computed pursuant to § 970.3 (e) is more or less than 3.5 percent, such handler shall add to the Class I price per hundredweight computed pursuant to (a) (1) of this section for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent, or shall subtract from such Class I price for each one-tenth of 1 percent that the average butterfat content of such Class I milk is below 3.5 percent, an amount computed by the market administrator as follows: to the average wholesale price per pound of 92-score butter at Chicago as reported by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) for the delivery period during which such milk was received, add 20 percent, divide the result obtained by 10, and add 1.0 cent.

(2) If the average butterfat content of the milk of producers disposed of as Class II by any handler computed pursuant to § 970.3 (e) is more or less than 3.5 percent, such handler shall add to the Class II price per hundred weight computed pursuant to (a) (2) of this section for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent, or shall subtract from such Class II price for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent, an amount computed by the market administrator as follows: to the average wholesale price per pound of 92-score butter at Chicago as reported by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) for the delivery period during which such milk was received, add 20 percent, and divide the result obtained by 10.

(c) *Emergency price provision.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purposes of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product, associated with the price specified: *Provided,* That if for any reason, the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided,* That if the specified price is not reported or published and there is no applicable maximum uniform price or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the prices specified.

(2) Whenever the War Food Administrator finds and announces that the Class I price computed for any delivery period pursuant to (a) of this section is not in the public interest, the Class I price for such delivery period shall be the same as the Class I price for the previous delivery period: *Provided,* That if the War Food Administrator for two consecutive delivery periods finds and announces that the Class I price computed pursuant to (a) of this section is not in the public interest, he shall, upon request of interested parties and pursuant to the applicable provisions of the act, issue notice of and opportunity for a hearing upon a proposed amendment to this section of the order.

§ 970.5 *Reports of handlers*—(a) *Periodic reports.* (1) On or before the 5th day after the end of each delivery period each handler, with respect to all milk or milk products which were, during such delivery period, (i) received from producers; (ii) received from other handlers; (iii) received from such handler's own farm production; (iv) received from any other sources; or (v) caused to be delivered to a plant from which no milk is disposed of in the marketing area, shall report to the market administrator, in the detail and on forms prescribed by him, as follows:

(*a*) The receipts at each plant from producers who are not handlers;

(*b*) The receipts at each plant from any other handler, including any handler who is also a producer;

(*c*) The receipts at each plant from such handler's own farm production;

(*d*) The receipts at each plant from any other source;

(*e*) The utilization of all milk and milk products disposed of;

(*f*) The quantity of milk and milk products on hand; and

(*g*) The respective butterfat content of each of the above.

(2) On or before the 5th day after the end of each delivery period, the receipts at each plant of emergency milk as follows: (i) the amount of such milk and the average butterfat content thereof; (ii) the date or dates upon which such milk was received during the delivery period; (iii) the plant from which such milk was shipped; (iv) the prices paid or to be paid for such milk; (v) the utilization of such milk; and (vi) such other information with respect thereto as the market administrator may request.

(b) *Reports as to producers.* Each handler shall report to the market administrator within 10 days after the market administrator's request with respect to any producer and with respect to a period of time designated by the market administrator: (i) the name and address; (ii) the total pounds of milk received; (iii) the average butterfat test of milk received; and (iv) the number of days upon which milk was received.

(c) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, each handler shall submit to the market administrator his producer pay roll for such delivery period, which shall show for each producer (i) the net amount of such producer's payments with the prices, deductions, and charges involved, and (ii) the total volume of milk received from such producer or caused by the handler to be delivered to a plant from which no milk is disposed of in the marketing area and the average butterfat test of such milk.

(d) *Reports of producer-handlers and handlers whose sole sources of supply are receipts from other handlers.* Producer-handlers and handlers whose sole sources of supply are receipts from other handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

(e) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audits of such handler's rec-

ords and the records of any other handler or person upon whose disposition of milk such handler claims classification. Each handler shall keep adequate records of receipts and utilization of milk and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk required to be reported pursuant to this section and, in the case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in § 970.6.

§ 970.6 *Application of provisions*—(a) *Handlers who receive no milk from producers.* Sections 970.4, 970.7, 970.8, 970.9, and 970.10 shall not apply to the handling of milk by handlers (1) whose sole sources of supply are receipts from other handlers or (2) who are producer-handlers pursuant to section 1 (g) as verified by the market administrator in the manner provided in (b) of this section.

(b) *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the War Food Administrator, evidence of their qualifications as producer-handlers pursuant to § 970.1 (g), as of the effective date hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing their milk that affect their qualification as producer-handlers; such verification by the market administrator shall be made within 15 days of the date of receipt of the evidence and shall be effective retroactively to the effective date of the provisions hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(c) *Emergency milk.* During any delivery period when the market administrator determines that the supply of milk available to any handler from producers and handlers is not sufficient to fulfill the Class I requirements of such handler, such handler, after giving notice to the market administrator of his intention to purchase milk from other than such sources, may secure milk from emergency sources on terms and conditions other than those provided in § 970.4 hereof. Emergency milk shall be reported to the market administrator by the receiving handler separately from milk received from producers and handlers in accordance with § 970.5 (a) (2). The person from whom the handler received such milk shall not be considered a handler with respect to milk disposed of in the marketing area under the circumstances described in this paragraph.

(d) *Milk received from other sources.* If a handler has disposed of milk, skim milk, or cream, except emergency milk, which was received from sources other than producers, his own farm production, or other handlers, as Class I milk within the marketing area, the market administrator, in determining the net pool obligation of the handler pursuant to § 970.7 (a), shall add an amount equal to the difference between the value of such milk at the Class I price and the value of such milk at the Class II price. This provision shall not apply if the handler can prove to the market administrator that such milk, skim milk, or cream was used only to the extent that milk of producers was not available.

(e) *Payment for excess milk or butterfat.* If a handler, after subtracting receipts from his own farm production, receipts from other handlers, and receipts from sources determined as other than producers or other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator in computing the net pool obligation of such handler pursuant to § 970.7 (a) shall add an amount equal to the value of such milk or butterfat in accordance with its utilization by the handler as determined pursuant to § 970.3 (e) (7) (iv).

§ 970.7 *Determination of uniform price to producers*—(a) *Net pool obligation of handlers.* The net pool obligation of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows: multiply the pounds of net pooled milk in each class computed pursuant to § 970.3 (e) by the class prices computed pursuant to § 970.4 (a) subject to the butterfat differentials set forth in § 970.4 (b), add together the resulting amounts, and add the value of any payments required to be made pursuant to paragraphs (d) and (e) of § 970.6.

(b) *Computation of the uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight of milk as follows:

(1) Combine into one total the net pool obligations of all handlers computed pursuant to (a) of this section who made the reports prescribed by § 970.5 and who made the payments prescribed by § 970.8 for the previous delivery period;

(2) Add an amount equal to not less than one-half the cash balance in the producer-settlement fund;

(3) Subtract, if the average butterfat content of the net pooled milk of all handlers whose reports are included in this computation is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 970.8 (c), and multiply the result by the total hundredweight of net pooled milk of all handlers whose reports are included in this computation;

(4) Divide the resulting sum by the total quantity of net pooled milk of all handlers whose reports are included in this computation; and

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payment by handlers. The result shall be known as the "uniform price" per hundredweight for milk of producers containing 3.5 percent butterfat.

(c) *Announcement of prices.* On or before the 9th day after the end of each delivery period, the market administrator shall notify all handlers and make public announcement of the computation, pursuant to (b) of this section, of the uniform price per hundredweight of milk, of the Class I and Class II prices computed pursuant to § 970.4 (a), of the butterfat differentials to handlers computed pursuant to § 970.4 (b) and of the butterfat differential to producers computed pursuant to § 970.8 (c).

(d) *Notification of handlers.* On or before the 9th day after the end of each delivery period, the market administrator shall notify each handler of the amount of his net pool obligation and of the amount by which such handler's net pool obligation is greater or less than the sum required to be paid producers by such handler pursuant to § 970.8 (a).

§ 970.8 *Payments for milk*—(a) *Time and method of payment.* Each handler shall make payment, subject to the butterfat differential set forth in (c) of this section, after deducting the amount of the payments made pursuant to (b) of this section for milk purchased or received from producers by such handler during each delivery period as follows:

(1) To each producer, except as set forth in (2) of this paragraph, on or before the 15th day after the end of the delivery period during which such milk was purchased or received, at not less than the uniform price per hundredweight computed pursuant to § 970.7 (b).

(2) To a cooperative association for milk which it causes to be delivered to a handler from producers and for which such cooperative association collects payments, on or before the 12th day after the end of the delivery period during which such milk was purchased or received, of a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under (1) of this paragraph.

(b) *Half delivery period payments.* (1) On or before the last day of each delivery period, each handler shall, except as set forth in (2) of this paragraph, make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of the delivery period, was received by such handler.

(2) At least 3 days before the end of each delivery period, each handler shall make payment to a cooperative association for milk which it causes to be delivered to a handler from producers and for which such cooperative association collects payments for the approximate value of the milk which such co-

operative association caused to be delivered to such handler during the first 15 days of the delivery period.

(c) *Butterfat differential to producers.* If, during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.5 percent, such handler, in making the payments prescribed in (a) (1) and (2) of this section, shall add to the uniform price per hundredweight paid to such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct from the uniform price per hundredweight paid to such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not more than, an amount computed by the market administrator as follows: to the average wholesale price per pound of 92-score butter at Chicago as reported by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) add 20 percent, and divide the resulting sum by 10.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to (e) and (g) of this section and out of which he shall make all payments to handlers pursuant to (f) and (g) of this section: *Provided,* That the market administrator shall offset any such payment due to any handler against payments due from such handler.

(e) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to (a) of this section.

(f) *Payments out of the producer-settlement fund.* (1) On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to (a) of this section is greater than the net pool obligation of such handler.

(2) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 15th day after the end of each delivery period, has not received the balance of such reduced payment from the market administrator shall be deemed to be in violation of (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(g) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to (e) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to (f) of this section, the market admipistrator shall, within 5 days, make such payment to such handlers. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 970.9 *Marketing service*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 5 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the War Food Administrator) from the payments made to producers pursuant to § 970.8 with respect to all milk received by such handler during each delivery period from producers, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative association.* In the case of producers for whom a cooperative association, which the War Food Administrator determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the War Food Administrator, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by such producers and, on or before the 15th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services of which such producers are members.

§ 970.10 *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator a sum not exceeding 5 cents per hundredweight with respect to all milk received during such delivery period from producers or from a producers' cooperative association or produced by such handler, the exact sum to be determined by the market administrator subject to review by the War Food Administrator: *Provided,* That such handler which is a cooperative association shall pay such pro rata share of expense of administration on only that milk of producers received by such association or caused to be delivered by such association to a plant from which no milk is disposed of in the marketing area.

(b) *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expense set forth in this section.

§ 970.11 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The War Food Administrator may suspend or terminate this order or any provision hereof, whenever he finds that this order or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* that any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs, be performed by such other person, persons, or agency as the War Food Administrator may designate.

(1) The market administrator, or such other person as the War Food Administrator may designate, shall (a) continue in such capacity until discharged by the War Food Administrator, (b) from time to time account for all receipts and disbursements, and, when so directed by the War Food Administrator, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person, as the War Food Administrator may direct, and (c) if so directed by the War Food Administrator, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or

termination of any or all provisions hereof, the market administrator, or such person as the War Food Administrator may designate shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 970.12 *Agents.* The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 20th day of September 1944, to be effective on and after the 1st day of October 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

Approved: September 25, 1944.

FRED M. VINSON,
Director of Economic Stabilization.

[F. R. Doc. 44-14905; Filed, Sept. 27, 1944; 11:08 a. m.]

Chapter X—War Food Administration (Production Orders)

[WFO 14, Revocation of Supp. Order 1, Rev. 2, Amdt. 1, and Supp. Orders 2, 5, 6, and 7]

PART 1202—FARM MACHINERY AND EQUIPMENT

REVOCATION OF ORDERS

Supplementary Order No. 1 (8 F.R. 17458, 9 F.R. 1003, 5630, 7803) to War Food Order No. 14 (formerly Food Production Order No. 14 (8 F.R. 17456, 9 F.R. 4314, 7739)) is hereby amended by removal of all types of farm machinery and equipment from Schedules I and II thereof, except corn pickers which shall continue to be subject to the provisions of said War Food Order No. 14 and said Supplementary Order No. 1; and Supplementary Order No. 2 (8 F.R. 14106, 9 F.R. 1933, 9037), Supplementary Order No. 5 (8 F.R. 14112), Supplementary Order No. 6 (8 F.R. 16776, 9 F.R. 9525), and Supplementary Order No. 7 (9 F.R. 749) to said War Food Order No. 14 are hereby revoked and terminated.

This order shall become effective at 12:01 a. m., e. w. t., September 28, 1944. However, with respect to violations of said Supplementary Orders Nos. 1, 2, 5, 6, and 7, or rights accrued, or liabilities incurred thereunder, prior to the effective date of this order, said Supplementary Order No. 1 as heretofore revised and amended, and said Supplementary Orders Nos. 2, 5, 6, and 7, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or proceeding with respect to any such violation, right, or liability.

(54 Stat. 676; 55 Stat. 236; 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 27th day of September 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-14935; Filed, Sept. 27, 1944; 12:09 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

EXCEPTIONS FROM PROXY RULES TO SOLICITATIONS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 14 (a) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said act, hereby amends § 240.14a-8 (Rule X-14A-8) of Regulation X-14 by adding after paragraph (h) thereof the following new paragraph (i):

§ 240.14a-8 *Solicitations to which rules are not applicable.* * * *

(i) A solicitation of assurances of acceptance of a plan of adjustment under section 710 (1) of Chapter XV of the Bankruptcy Act from not more than 25 holders of claims affected by the plan.

Effective: September 20, 1944.

By the Commission.

[SEAL] ORVAL DUBOIS,
Secretary.

[F. R. Doc. 44-14897; Filed, Sept. 27, 1944; 11:02 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Administration

[Docket No. FDC-41]

PART 120—TOLERANCES FOR POISONS IN FOOD

TOLERANCES FOR FLUORINE SPRAY RESIDUE ON APPLES AND PEARS

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 406, 701; 52 Stat. 1046, 1055; 21 U.S.C. 346, 371, 1940 ed.); the Reorganization Act of 1939 (53 Stat. 51 ff.; 5 U.S.C. 133-133v (Supp. V. 1939); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); and upon the basis of evidence of record at the hearing duly held pursuant to the notice issued on May 1, 1944 (9 F.R. 4654), and after consideration of exceptions filed to the proposed order issued by the Acting Federal Security Administrator on August 10, 1944 (9 F.R. 9754), the following order is hereby promulgated:

Findings of fact. 1. Fluorine is a gaseous chemical element. It and many of its compounds, among which are cryolite and other insecticides, are poisonous and deleterious substances. The fluorine in such compounds, even in small quantities, interferes with fundamental processes of living cells. Individuals vary in their susceptibility to its toxic effects.

2. When fluorine compounds are taken into the body in small amounts, most, if not all, of the fluorine is excreted, but when intake exceeds excretion storage of fluorine in the body results. When storage of fluorine occurs, injury to health may be anticipated. Fluorine is stored primarily in the bones and teeth, and its deleterious effects are most easily detected in those tissues. These effects are mottling of the enamel of the teeth, and abnormalities, including osteosclerosis, of the bones of the pelvis and the lumbar region of the spine, and of the tendenous insertions of bones.

3. During their production apples and pears are subject to a number of insect pests, and different kinds of sprays are used to control different kinds of insects. Unless the insects are controlled by sprays the fruit becomes wormy and unmarketable. The codling moth causes the greatest difficulty and requires the most spraying for effective control.

4. For control of the codling moth, sprays made from lead arsenate or from cryolite are the only ones that are effective and practical. To these mineral oil is commonly added and acts in part as a codling moth ovicide. In the Northwest, where a large proportion of the apple and pear crops are produced, lead arsenate and cryolite are equally effective, whether used alone or in split schedules using lead arsenate for some sprays and cryolite for others. The methods and equipment used are the same for both types of spray. There are certain disadvantages in the use of lead arsenate spray which do not accompany the use of cryolite spray.

5. The effectiveness of spray programs depends on the completeness of coverage of the fruit with the insecticide and the amount thereof which adheres to the fruit. Complete and sufficient coverage is obtained by repeating the sprays, and by adding oil and other materials to the spray. The number of sprays required depends on the season, geographic location, local situations, the time of ripening of the fruit, and the care used in applying the spray. A spray schedule effective for apples is also effective for pears. Ordinarily from 1 to 6 sprays are

required for pears and 4 to 9 sprays are required for apples. Occasionally more than 9 sprays are required for apples.

6. The amount of fluorine in spray residue remaining on apples and pears at time of harvest increases with the number of fluorine sprays used, the decreasing length of time elapsing between the last of such sprays and harvest, and the use of substances which cause greater adherence of the spray to the fruit. The proportion of fluorine remaining on apples ranges from a few milligrams per kilogram to over 50 milligrams per kilogram. (One milligram per kilogram is approximately equivalent to .007 grain per pound.) It is possible, therefore, for one fruit to bear more than 7 milligrams of fluorine.

7. The spray residue remains on the surface of the fruit and most of it can be removed by washing processes in common use in the industry. One process uses only one washing and rinsing operation. In such process dilute hydrochloric acid is used as the washing solution. This process is efficient in removing spray residues from apples and pears grown under light spray schedules. In another process two washing and rinsing operations are used. In this process the fruit is first washed in a sodium silicate or soda ash solution and then in a dilute hydrochloric acid solution. This process is efficient in removing spray residues from such fruits grown under a heavy spray schedule or when oils and stickers are added to the spray material, or when the spraying is continued late into the growing season. In both washing processes the spray residue is removed more effectively when the washing solutions are heated. The heating of the solutions tends to cause injury to the fruit which increases as the heat is increased. When the solutions are not heated to over 100° Fahrenheit, the amount of injury to the fruit is not material. The washing processes for apples are at least equally effective for pears. Efficient washing usually removes spray residue to such extent that the fluorine remaining on apples and pears is about 5 milligrams or less per kilogram without risk of excessive injury to the fruit. It can be reduced in practically all lots to 7 milligrams per kilogram without such risk.

8. Mottling from fluorine results only when intake of toxic amounts occurs during the process of growth and calcification of the teeth. In man the teeth are in the process of calcification during the first 12 years. Mottling differs greatly in degree. Very mild degrees disclose chalky white spots without translucency. As the degree of severity increases the spots are more noticeable, become stained with a brownish color, and the enamel becomes brittle and pitted. When the fluorine intake is very low teeth are produced that are less resistant to caries than teeth produced on a somewhat higher fluorine intake. However, the margin between optimum and toxic amounts is very narrow. The toxic effect of fluorine increases as the intake is increased regardless of whether it is ingested in food or water or both. At the lower levels of fluorine intake that produce toxic effects there are no material differences in the absorption, toxicity, and storage of the fluorine of the various fluorine compounds, including cryolite. At materially higher levels the absorption and storage decrease with the decreasing solubility of such compounds.

9. Fluorine compounds may enter the body by ingestion in water and food and by industrial exposure. The water supplies of several million persons in the United States contain 1 part per million or more of fluorine. The areas having such water supplies are distributed widely over the country. About a half million persons live in areas where the fluorine content of the water is 5 parts per million or more. Fluorine is a natural component of many common foods, and in the process of cooking food in fluorine-bearing water some of the fluorine in the water is transferred to the food. However, the amount of fluorine added to the diet by cooking is not significant unless the fluorine content of the water is very high. Industrial exposure is to mists, dusts, and fumes containing fluorine. A substantial number of persons are subjected to such exposure. The exposure of some of these persons is such that they are storing fluorine. The record does not show in what proportion of those exposed storage is occurring.

10. When children ingest a sufficient amount of fluorine during the critical age period mottling results. The amount of drinking water ordinarily consumed by children during this period ranges from 390 cubic centimeters to 1,600 cubic centimeters per day. Such mottling occurs when the drinking water contains 1 part per million of fluorine or more. The ordinary adult daily diet, when the fluorine content of the water used in cooking is 0.3 part per million or less, contains approximately 0.5 milligram and not more than 1 milligram of fluorine. It is probable, therefore, that mottling of the enamel of the teeth results from a daily ingestion of somewhat less than 2 milligrams of fluorine.

11. The amount of apples and pears eaten as fresh fruit varies with the individual consumer and season of the year. Many persons consume few or no apples or pears and some consume many. Apples vary in size, but ordinarily weigh from 1/7 to 1/10 of a kilogram each. The record does not disclose the proportions of apples and pears that are peeled before consumption.

12. Whether the toxicity of fluorine to man is affected by or affects the toxicity of other substances is not known. Fluorine is rendered more toxic to rats by desiccated thyroid and the thyrotropic hormone of the anterior pituitary gland, and its toxicity is additive to that of cadmium. There is some industrial and consumer exposure to cadmium.

Conclusions. 1. Fluorine and many of its compounds, including those used as insecticides for apples and pears, are poisonous and deleterious substances.

2. The addition of fluorine-containing sprays to apples and pears is required in the production of a large proportion of such fruits and residues thereof are unavoidable.

3. With efficient spraying and the efficient use of the washing processes so far developed it is not practicable to reduce the fluorine remaining as such residue on apples and pears below 7 milligrams per kilogram of fruit.

4. A considerable portion of the population is exposed to quantities of fluorine compounds that are toxic or near-toxic and any added amount of fluorine increases the hazard or degree of injury to which they are subjected. It is necessary for the protection of public health that the fluorine remaining as insecticidal residue on apples and pears shall be as low as is practicable.

§ 120.1 *Fluorine; Limit for the quantity remaining as insecticidal residue on apples and pears.* The quantity of fluorine remaining as insecticidal residue on apples and pears is hereby limited to not more than 7 milligrams of fluorine, calculated as F, per kilogram of each such fruit.

(Secs. 406, 701; 52 Stat. 1046, 1055; 21 U.S.C. 346, 371, 1940 ed.); the Reorganization Act of 1939 (53 Stat. 51 ff.; 5 U.S.C. 133–133v (Supp. V, 1939); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234)

The regulation hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER.

Dated: September 22, 1944.

WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 44-14916; Filed, Sept. 27, 1944; 11:06 a. m.]

TITLE 29—LABOR

Chapter VIII—Commissioner of Internal Revenue

[T. D. 5408]

PART 1002—STABILIZATION OF SALARIES

MISCELLANEOUS AMENDMENTS

Treasury Decision 5295 (29 C.F.R., Part 1002), relating to the stabilization of salaries under the Act of October 2, 1942, is amended as follows:

PARAGRAPH 1. Section 1002.9 is amended by striking out the second sentence of the first paragraph and inserting in lieu thereof the following: "If an approval or determination made by such regional officer is subsequently modified or reversed by the Commissioner, such approval or determination shall be deemed to have been continuously in effect from its original date until the first day of the payroll period following reversal or modification, or until such other date as the Commissioner may provide in his ruling."

PAR. 2. Section 1002.10 is amended by inserting immediately before the next to the last sentence the following: "Jurisdiction, in the case of individuals who are compensated solely on a percentage basis, depends upon the amount of total compensation received by the employee for the employer's last accounting year

ended prior to the proposed adjustment. If the total compensation of the employee for the employer's next preceding accounting year is in excess of $5,000, any change in the rate of percentage in subject to the jurisdiction of the Commissioner."

PAR. 3. Section 1002.13 is amended by striking out the last sentence of the ninth paragraph and inserting in lieu thereof the following:

Employers who, prior to October 3, 1942, had an established plan of granting vacations with pay, may continue to grant vacations with pay in accordance with such established plan without obtaining prior approval. Pay in lieu of vacation does not require the prior approval of the Commissioner if computed in accordance with a vacation plan established prior to October 3, 1942, or in accordance with a plan approved thereafter by the Commissioner. Vacation pay and pay in lieu of vacation computed on the basis of the current work week may be paid without prior approval.

The adoption of a vacation plan or a change in an established vacation plan which increases the amount of vacation pay requires approval.

PAR. 4. Section 1002.14 is amended by striking out the second paragraph and inserting in lieu thereof the following two paragraphs:

Where an employer had, prior to October 3, 1942 customarily paid a salary or salaries on a fixed percentage basis, or had entered into a contractural agreement prior to that date to pay a salary or salaries on a fixed percentage basis, such employer may continue to pay, without the approval of the Commissioner of Internal Revenue, such salary or salaries determined in accordance with such custom or agreement, provided no change has been made in the percentage or method of determining the amount payable.

Employers who have customarily paid bonuses or other additional compensation may continue to pay such bonuses or other additional compensation without prior approval, subject to the following limitations:

(1) If an employee's base salary has not been increased since October 3, 1942 (in the case of salaries in excess of $5,000 per annum), or October 27, 1942 (in the case of salaries of $5,000 or less per annum), as the case may be, the employer may pay the employee a bonus in an amount which does not exceed the higher of the following:

(i) The dollar amount of the bonus paid on any basis other than a fixed percentage basis for the employer's last accounting year ended prior to October 3, 1942. (See subparagraph (5)), or

(ii) The dollar amount of bonus paid on any basis other than a fixed percentage basis authorized under the Salary Stabilization Regulations for the employer's first accounting year ending after October 3, 1942, provided the bonus does not exceed 50 per cent of the employee's base salary. Approval is necessary if the bonus exceeds 50 per cent of the employee's salary. (See subparagraph (5)).

(2) If an employee's base salary has been increased since October 3, or 27, 1942, as the case may be, the employer may pay the employee a bonus not to exceed the same fixed dollar amount of bonus paid him for the employer's first accounting year ending after October 3, 1942, provided the bonus does not exceed 20 per cent of his present salary. (See subparagraph (5)).

(3) If an employer, prior to October 3, 1942, has regularly paid an employee a bonus based upon a fixed percentage of salary (exclusive of bonuses and additional compensation) and the percentage has not been changed, the employer may pay the employee a bonus determined by such percentage of salary, even though the amount of bonus may be increased due to an increase in salary (exclusive of bonuses and additional compensation) authorized under these regulations.

(4) If the employer had, prior to October 3, 1942, customarily paid bonuses on a fixed percentage basis or had entered into a contractual agreement prior to that date to pay bonuses on a fixed percentage basis, the employer may pay a bonus determined in accordance with such custom or agreement, provided no change has been made in either the percentage or method of determining the bonus fund, and no change has been made in the percentage or method of determining the amount payable to each employee. The payment of bonuses out of a fund based on a fixed percentage of profits, sales or the like (whether or not the percentage has been changed since October 3, 1942), where the amount to be distributed to the individual employee is at the discretion of the employer, or his representative, is governed by the provisions of subparagraphs (1) and (2) above.

(5) If an employee's bonus is determined on a fixed percentage basis authorized under the regulations, the payment of any amount in excess of the bonus determined under the fixed percentage plan may not be made without prior approval, notwithstanding the provisions of subparagraph (1) and (2) above.

PAR. 5. Section 1002.14 is amended by striking out the first example in the fifth paragraph and inserting in lieu thereof the following:

The X Corporation began business in 1940. As of July 1, 1942, pursuant to a corporate resolution duly passed in January 1942, all of its salaried employees received more than $5,000 per annum. No approval of the Commissioner is required to increase the salary of the employee who is promoted in November 1942 from a salesman to a general manager and who receives a salary which is not in excess of the minimum of the salary rate range previously established for the position of general manager or in excess of 15 percent above the employee's salary at the time of promotion, whichever is greater. In no case may the salary be paid in excess of the maximum of the salary rate range without approval.

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: September 26, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc; 44-14933; Filed, Sept. 27, 1944; 11:29 a. m.]

Chapter IX—War Food Administration (Agricultural Labor)

[Specific Wage Ceiling Reg. 30]

PART 1111—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF WASHINGTON

WORKERS ENGAGED IN PICKING APPLES AND WINTER PEARS IN THE WHITE SALMON AREA OF KLICKITAT AND SKAMANIA COUNTIES, WASHINGTON

§ 1111.8 *Wages of workers engaged in picking apples and winter pears in the White Salmon area of Klickitat and Skamania Counties, Washington.* Pursuant to § 4001.7 of the regulations of the Director of the Office of Economic Stabilization relating to wages and salaries issued August 28, 1943 (8 F.R. 11960, 12139), as amended on December 9, 1943 (8 F.R. 16702) and June 1, 1944 (9 F.R. 6035) and to the regulations of the War Food Administrator issued January 20, 1944 (9 F.R. 831), as amended on July 8, 1944 (9 F.R. 7645), entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Washington WFA Wage Board that a majority of the producers of apples and winter pears in the area affected have requested the intervention of the War Food Administrator, and based upon relevant facts submitted by the Washington WFA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops, and classes of workers.* Persons engaged in picking apples and winter pears in the White Salmon area of Klickitat and Skamania Counties, State of Washington, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Director of the Office of Economic Stabilization issued on August 28, 1943 (8 F.R. 11960, 12139), as amended on December 9, 1943 (8 F.R. 16702) and June 1, 1944 (9 F.R. 6035).

(b) *Definitions.* When used in this Specific Wage Ceiling Regulation No. 30, the term "picking" means the removal of apples and pears from trees and placing them in boxes furnished by the producer.

(c) *Wage rates; maximum wage rates for picking apples and winter pears.* (1) Wage rates for picking all apples except Newton apples:

(i) 11¢ per apple box or Libby lug;
(ii) 12½¢ per A. G. A. lug.

(2) Wage rates for picking Newton apples:

(i) 12¢ per apple box or Libby lug;
(ii) 13½¢ per A. G. A. lug.

(3) Wage rates for picking winter pears:

(i) 12¢ per apple box or Libby lug;
(ii) 13½¢ per A. G. A. lug.

(d) *Administration.* The Washington WFA Wage Board located at 235 Liberty Building, Yakima, Washington, will have charge of the administration of this order in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on January 20, 1944 (9 F.R. 831), as amended July 8, 1944 (9 F.R. 7645).

(e) *Applicability of specific wage ceiling regulations.* This Specific Wage Ceiling Regulation No. 30 shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on January 20, 1944 (9 F.R. 831), as amended July 8, 1944 (9 F.R. 7645), and the provisions of such regulations shall be applicable to this Specific Wage Ceiling Regulation No. 30 and any violation of this Specific Wage Ceiling Regulation No. 30 shall constitute a violation of such specific wage ceiling regulations.

(56 Stat. 765, 50 U.S.C. App. Supp. 961 et seq.; 57 Stat. 63; Pub. Law 34, 78th Cong.; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631; regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035; regulations of the War Food Administrator, 9 F.R. 655, 6011, 7378, 9641, 9 F.R. 831, 7645)

Issued this 26th day of September 1944.

PHILIP BRUTON,
Director of Labor,
War Food Administration.

[F. R. Doc. 44-14903; Filed, Sept. 27, 1944; 11:08 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 935—VINYL POLYMERS

[Allocation Order M-10, Revocation]

Section 935.1 *Allocation Order M-10* is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Vinyl polymers are subject to allocation under General Allocation Order M-300 as Appendix A materials, subject to Schedule 54 issued simultaneously with this revocation.

Use, delivery and acceptance of delivery of vinyl polymers prior to October 31, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in Order M-10.

Issued this 27th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-14910; Filed, Sept. 27, 1944; 11:16 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Conservation Order M-28, as Amended Sept. 27, 1944]

DICHLORODIFLUOROMETHANE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of dichlorodifluoromethane for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1226.27 *Conservation Order M-28.*—(a) *Definitions.* For the purpose of this order:

(1) "F-12 gas" means dichlorodifluoromethane (sometimes called "freon-12").

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

(3) "Producer" means any person engaged in the production of F-12 gas.

(4) "Supplier" means any person to the extent that he is engaged in the business of distributing F-12 gas to persons using the same for installation in refrigerating or air conditioning systems. The term shall include an equipment manufacturer to the extent that he engages in the sale of F-12 gas which has not been installed in such systems. "System" means any "system" as defined in General Limitation Order L-38.

(5) "Equipment manufacturer" means any person to the extent that he uses F-12 gas for charging new refrigerating or air conditioning systems or parts of systems manufactured by him. It does not include affiliates, subsidiaries, branches, divisions or sections or an enterprise, if not actually engaged in the manufacture of systems or refrigerant containing parts of systems.

(6) "Insecticide manufacturer" means any person to the extent that he uses F-12 gas in the production of insecticide.

(7) "User" means any person who installs F-12 gas in a refrigerating or air-conditioning system, other than an equipment manufacturer. It includes suppliers, service agencies, owners or lessees, to the extent that they engage in installing F-12 gas in any system.

(8) "Contract agent" means any person to whom or for whose account F-12 gas is delivered by a producer for distribution to suppliers.

(If the same person, or two or more branches, divisions or sections of the same enterprise, acts in two or more capacities as contract agent, supplier, equipment manufacturer, or insecticide manufacturer, the particular provisions of this order which apply to the respective activities must be followed, to the extent to which the various provisions are applicable to each activity.)

(b) *Systems for which no deliveries are permitted.* (1) No person (including users, dealers, and other suppliers, and producers) shall deliver, or accept delivery of, any F-12 gas for use in, or for resale for use in any new or used system which is of a type referred to in List A. Exceptions from this restriction may be authorized in the following cases (although this does not preclude appeals under paragraph (f) (4) in other cases):

(i) When the major portion of the space to be air conditioned is used as a radio broadcasting studio, auditorium, hotel, restaurant, cafeteria, school, office or office building, or department store, and one of the following conditions exists: The building is "windowless" or one in which the windows cannot be opened for ventilation (such as glass brick, or glass set in a fixed frame which was built into the surrounding wall in an immovable way); or the rooms needing air conditioning are interior ones having no other means of adequate ventilation and are either served by a separate system or constitute a major portion of the space regularly occupied by persons and are served by one central system; or

(ii) When the system is used to air condition a room or rooms in a single family residence or a single apartment and its continued operation is essential to protect the life or restore the health of a person suffering from a serious ailment or disease and under care of a licensed physician, and a statement to that effect by such physician is also furnished with the application referred to below.

Application for WPB permission to get F-12 gas for such a use should be made by the owner or operator of the system by letter in duplicate (or in an emergency, by wire confirmed immediately by letter) to War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref. M-28 giving the address and a description of the building(s) in which the system is located and stating the extent to which the system comes within either of the cases described above, the quantity of F-12 gas needed, and the name and address of the probable supplier. The authorization, if granted, will be sent to the applicant, who should show it to his supplier when requesting delivery, in addition to furnishing the certification required under paragraph (c) (2) below.

(2) No person (including users, dealers, and other suppliers, and producers), shall deliver, or accept delivery of, any F-12 gas for use in, or for resale for use in any new or used system of any type (not in List A) unless the system must be operated under one or more of the following conditions:

(i) Where an air-cooled condenser is used and the ambient temperature is 110° F or higher; or

(ii) Where the saturated refrigerant temperature corresponding to the suction pressure is less than minus 10° F; or

(iii) Where aluminum or magnesium alloys or rubber (except synthetic rubber) have been used in construction of the system and come in contact with the refrigerant, and are not easily replaceable; or

(iv) Where the system is for use aboard ship, or outside of the continental United States by the Army, Navy, Maritime Commission or War Shipping Administration; or

(v) Where the total operating charge required to operate the system is ten (10) pounds or less of F–12 gas and the system was in operation on November 12, 1943, and is used for food preservation or for storage of penicillin, blood serum, blood for plasma, blood plasma, biologicals and bacteriologicals; or

(vi) Where the use of no Group 2 or Group 3 refrigerants, as defined in the American Standard Safety Code for Mechanical Refrigeration, ASRE Circular No. 15, ASA–B9–1939, as approved by the American Standards Association April 20, 1939, is permitted by that Code; or

(vii) Where the system is used in a sealed railroad car or sealed bus.

(The above restrictions apply not only to systems used for ordinary civilian purposes, but also to those owned, operated, or used within the continental United States by the Army, Navy, Maritime Commission or War Shipping Administration, including post exchanges and ships service stores, other than those used aboard ships.)

(3) Attention is called to paragraph (c) (2), which prohibits a supplier from delivering F–12 gas except on certified orders.

(c) *Deliveries by suppliers.* (1) No supplier or any other person (except a producer) shall deliver any F–12 gas for export outside of the continental United States, or for use by any of the following non-retail users (or to any ship yard or other person for use in a system to be delivered to any of them), namely: The Army, Navy, Maritime Commission, War Shipping Administration, post exchanges, ships service departments and activities, equipment and insecticide manufacturers, for new or used systems, or for use in insecticide, without specific authorization from the War Production Board. Subject to the foregoing restriction, any supplier or any other person (except a producer) may deliver F–12 gas to any other person, for use in any new or used system not referred to on List A of this order, if it must be operated under one or more of the conditions stated in (b) (2) (i) to (b) (2) (vii) both inclusive.

No person shall accept from a supplier or other person any delivery of F–12 gas which is prohibited by the restriction in this order.

(2) Whenever the owner of a system or any other user wishes to obtain F–12 gas for installation in a system or systems for which deliveries by suppliers are permitted under this order, he may place his order with any supplier for the minimum quantity, which the available cylinder or cylinders permit, necessary to bring the charge in the system or systems up to a normal operating charge. He must certify his order, or the vendor's delivery receipt, by a certificate endorsed on or attached to it, showing that the F–12 gas is to be used for such purposes only, and that he is not holding any empty cylinders not owned by him, which shall be in substantially the following form:

> The undersigned purchaser certifies to the seller and the War Production Board that he does not have any F–12 gas cylinders not owned by him, which have been empty for more than 15 days: and that the F–12 gas covered by this order will not be used or resold for any purposes not permitted by Order M–28.

The standard certification in the form described in Priorities Regulation 7 cannot be used instead of that described above. Such certificate, which must be signed by the purchaser or his authorized official, will constitute a representation that what is stated in it is true. A supplier must not deliver any F–12 gas except under certified orders; and he must not make delivery under any order which is certified if he knows, or has any reason to believe that the certificate furnished with such order is untrue; incomplete, or inaccurate. In such a case the supplier must reject the order, and should explain why he is doing so, so that the prospective purchaser can comply with this order. Each supplier must keep all accepted orders and certificates which he receives, for a period of two years, for inspection by the War Production Board. (Certificates in the form required by this order before its amendment on November 12, 1943, may continue to be used for 30 days after that date, in place of the above form.)

This restriction shall not prevent a person who services several systems for which deliveries are permitted by this order from purchasing a cylinder of F–12 gas from a supplier, if the amount purchased is the smallest quantity practicable considering the sizes of the standard commercial cylinders and the amount needed in his current operations.

(3) No "standby charge" or any other quantity of F–12 gas, over and above that needed to bring the total charge in a system or systems up to the normal operating charge, shall be delivered to or accepted by any person for use in a system which he owns, leases, or operates (except the Army, Navy, Maritime Commission or War Shipping Administration): except, however, that a "standby charge" may be maintained for a system which is operated primarily for one of the following purposes: air conditioning or refrigeration for the production and storage of penicillin, or blood serum; or refrigeration for the storage of blood for plasma, or the production or storage of blood plasma.

(d) *Deliveries by producers.* Each producer shall hold his entire inventory of F–12 gas, together with all additional quantities produced or otherwise obtained by him from time to time, for delivery under such orders and for such uses as may be authorized or directed from time to time by the War Production Board. No deliveries of F–12 gas shall be made by a producer except pursuant to specific authorizations or directions heretofore or hereafter issued by the War Production Board.

(e) The provisions of this order shall be followed by every producer, contract agent, supplier, user, equipment manufacturer, insecticide manufacturer, and any other person buying, selling or delivering F–12 gas, without any regard to any preference ratings which have been assigned or which may hereafter be assigned to particular contracts or orders.

(f) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and amended from time to time.

(2) *Reports.*[1] (i) Each equipment manufacturer who wishes to secure delivery of F–12 gas during any month for charging systems or parts produced by him, or for factory repair and charging of sealed or hermetic condensing units, shall file with the War Production Board, on or before the 15th day of the preceding month a report on Form WPB–3326, prepared in accordance with the instructions for such form.

(ii) Any person wishing to secure F–12 gas during any month for ultimate uses (such as testing coaxial cable for leaks) other than the charging of new or used refrigeration or air conditioning systems or parts or use in insecticide, shall file with the War Production Board, on or before the 20th day of the preceding month, a report by letter, in triplicate, showing the minimum amount required for the month, the purpose for which required, and the amount used during the preceding calendar month for that purpose.

(3) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

(4) *Appeals.* Any appeal from the provisions of this order, or any direction thereunder, shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref. M–28.

Issued this 27th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[1] The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

LIST A—SYSTEMS FOR WHICH NO DELIVERIES ARE PERMITTED

Air conditioning systems. Any system, of any size operated or installed for the purpose of lowering the temperature and/or humidity of air in any building, room or other enclosure used as, or located in any of the following:

Amusement parks.
Animal hospitals.
Auditoriums.
Ballrooms, dancing studios and dance halls.
Bank and loan associations.
Bars, cocktail lounges, and beer parlors.
Bowling alleys.
Concert halls.
Funeral parlors.
Golf clubs, country clubs, athletic clubs, and all other clubs and club houses.
Hotels and apartment houses.
Moving picture houses.
Night clubs.
Office buildings and offices, public or private.
Railway, streetcar and bus stations and terminals.
Residential buildings and dwellings of all kinds.
Restaurants, cafeterias, and other places selling meats, food or beverages.
Schools.
Service establishments, such as laundries, cleaners and dyers, tailor shops, barber shops, "beauty" parlors, automobile sales and service shops, and repair shops of all kinds.
Skating rinks.
Stores, selling any kind of products, material or merchandise, at retail or wholesale (excluding manufacturing establishments).
Studios of all kinds.
Theaters.

This list does not include (i) any such system used primarily to air condition a building, room or other enclosure used chiefly for purposes not listed above, or (ii) any system designed, necessary and used, in substantial part, for the refrigeration and storage or processing of food, ice, or other materials or products, necessary to life or health, or to be delivered to the Army, Navy, Maritime Commission or War Shipping Administration, and requiring refrigeration, temperature control, or freedom from dust or other impurities.

Refrigeration systems.

Skating rink systems.
Refrigeration systems solely for storing or dispensing carbonated or malt beverages.

INTERPRETATION 1

[Interpretation 1 revoked November 12, 1943]

INTERPRETATION 2

(a) *Quantities which may be obtained by system owner.* Subparagraphs (c) (2) permits the owner (or lessee) of a refrigerating or air conditioning system (not on List A) who does his own installation of F-12 gas, to place his order for the minimum quantity "which the available cylinder or cylinders permit", necessary to bring the charge in his system up to a normal operating charge.

The standard commercial cylinders are generally available in sizes which contain four pounds, ten pounds, twenty-five pounds, and one hundred forty-five pounds of the gas, and a particular supplier may not have all four sizes in stock at all times. Questions will therefore arise as to the number and sizes of cylinders which the owner of a system is permitted to obtain, if the particular supplier with whom his purchase order is first placed should not happen to have the sizes of cylinder from which the minimum quantity needed by the system can be furnished the owner.

In such a case, the owner of the system should make a reasonable effort to obtain the minimum quantity which he needs, from some other supplier in his locality, rather than purchase an excessive quantity from the first supplier upon whom he calls. While the order does not prescribe rigid rules as to exactly what effort the purchaser should make in every case, it is required that he do whatever is practicable, under his particular conditions, to obtain the minimum quantity which he needs, and no more.

Where he is located in a large community in which there are a number of suppliers, he should contact several, if necessary in order to obtain the quantity needed. If he happens to be located in a small community where there is only one supplier who cannot furnish the exact quantity needed and the F-12 gas must be obtained immediately in order to avoid spoilage of a substantial quantity of food, the restriction would not prevent him from obtaining a larger amount, if that is unavoidable without letting his food spoil.

As a guide to the number and size of cylinders which should normally be obtained, for the different quantities of F-12 gas which may be needed in different cases, the following table is furnished:

Pounds of F-12 gas required	Amounts which should be ordered			
	Number of cylinders			
	4 pounds	10 pounds	25 pounds	145 pounds
0-4	1			
5-9		1		
10-14	1	1		
15-24		2 or	1	
25-29	1		1	
30-39	1	1	1	
40-49	1	2	1	
50-59		1	2	
60-69		2	2	
70-79	1		3	
80-89	1	1	3	
90-110		1	4	
111-145				1
146-170			1	1
171-195			2	1
196-220			3	1
221-245			4	1
246-290				2
291-315			1	2
316-340			2	2
341-365			3	2
366-390			4	2
391-435				3

The above interpretation applies only where the system owner buys his F-12 gas from a supplier, and installs it himself. If he has a service shop install the gas, the shop will always be able to furnish no more than the amount actually needed, from its service cylinders, and there will be no problem.

(b) *Installation of F-12 gas in systems or parts held by equipment manufacturers or dealers.* Paragraph (b) (1) prohibits deliveries of F-12 gas for systems on List A; (b) (2) prohibits deliveries for any other system, unless it must be operated under one or more of the conditions specified. These restrictions are intended to prevent deliveries of F-12 gas where there is a sale or other delivery of the gas. They prevent an equipment manufacturer or other person from delivering F-12 gas in any new or used system or refrigerant-containing parts if charged with F-12 gas furnished by him after the effective date of the applicable restriction, for any prohibited use.

These restrictions do not prevent the withdrawal and reinstallation of F-12 gas in the course of repairing a used system or refrigerant-containing part, where no additional F-12 gas is added to what was already in the system or part.

Neither do they restrict the delivery of new or used systems or refrigerant-containing parts which had already been charged at the time the applicable restrictions became effective nor do they prevent the owner or lessee of any installed system who had F-12 gas in his possession on the effective date of the applicable restriction from charging the system with such gas, or having someone else do this charging for him, where no transfer of possession or ownership is involved. (Issued November 30, 1943.)

[F. R. Doc. 44-14912; Filed, Sept. 27, 1944; 11:16 a. m.]

PART 3270—CONTAINERS

[Preference Rating Order P-146, Direction 1, as Amended June 30, 1944, Amdt. 1]

USE OF PREFERENCE RATINGS FOR U. S. NAVY DELIVERIES

Amend Direction 1 by deleting in lines 6 to 8 of paragraph (a) the following words: "on orders placed before October 1, 1944 calling for delivery before November 1, 1944:"

Issued this 27th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-14914; Filed, Sept. 27, 1944; 11:15 a. m.]

PART 3284—BUILDING MATERIALS

[Limitation Order L-77, as Amended Sept. 27, 1944]

METAL WINDOWS

§ 3284.16 *General Limitation Order L-77*—(a) *Definitions.* For the purposes of this order:

(1) "Metal window" means any metal sash, metal casement or other metal framework of any type produced for installation in an opening, constructed in the side of a building primarily to admit light, and any component part of such a metal sash, metal casement or metal framework.

(2) "Manufacture" means to manufacture, fabricate or assemble a metal window.

(3) "Put in process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(b) *Restrictions.* Notwithstanding any contract, agreement, or preference rating, no person shall manufacture any metal window except:

(1) To fill an order from the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration when such metal window is required by specifications (including performance specifications) applicable to such order; or

(2) To fill an order bearing a preference rating of AA-5 or better; or

(3) Metal storm windows made of aluminum or magnesium, and storm windows made of other metals, provided that such other metals are obtained

from idle or excess inventories pursuant to specific authorization from the War Production Board in accordance with Priorities Regulation 13 or CMP Regulation No. 1.

[Undesignated paragraph deleted Sept. 27, 1944]

(c) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Reports.* Each manufacturer to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeals.* Any appeal from the provisions of the order shall be filed on Form WPB-1477 with the Field Office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(i) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Building Materials Division, Washington, D. C. Ref: L-77.

Issued this 27th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-14909; Filed, Sept. 27, 1944; 11:15 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-30-d, Direction 1, as Amended Sept. 27, 1944]

ALUMINUM PRESSURE CANNERS

The following direction is issued pursuant to Limitation Order L-30-d:

(a) *What this direction does.* In order to provide for the production of aluminum pressure canners for the 1944 and 1945 canning seasons this direction tells what types of pressure canners may be made, who may make them and how many may be made.

(b) *Definition of "pressure canners".* As used in this direction, "pressure canner" means any device commonly known as a pressure cooker or pressure canner which may be used for canning food products under steam pressure, and which is equipped with a dial, indicating or weighted gauge, a venting device and a safety valve.

(c) *Production of pressure canners—(1) Authorized list of manufacturers.* The following manufacturers may produce or assemble during the periods specified, at their plants at the addresses indicated, aluminum pressure canners in quantities not exceeding the number indicated opposite their names:

[NOTE: Table amended Sept. 27, 1944.]

	Jan. 31 to Sept. 30, 1944	Oct. 1 to Dec. 31, 1944	Jan. 1 to Mar. 31, 1945	Apr. 1 to June 30, 1945
Burpee Can Sealer Co., Barrington, Ill.	49,000	35,000	35,000	35,000
National Aluminum Manufacturing Co., Peoria, Ill.	56,000	23,000	23,000	23,000
Wisconsin Aluminum Foundry Co., Manitowoc, Wis.	12,000	16,000	16,000	16,000
Pressure Cooker Co., Denver, Colo.	2,614	000	000	000
National Pressure Cooker Co., Eau Claire, Wis.	250,000	130,000	130,000	130,000
Lakeside Aluminum Co., Minneapolis, Minn.	19,886	6,000	6,000	6,000

(2) *Restriction on aluminum permanent mold castings.* No person may make any aluminum permanent mold castings for the aluminum pressure canners to be produced under this direction without first obtaining the written specific authorization of the War Production Board. Applications for authorization to make such castings should be made by letter to the War Production Board, Washington 25, D. C., Ref: L-30-d, Direction 1. Each applicant should submit complete information as to the availability of his facilities for making castings in the light of his present and potential war work and the manpower situation in his plant and in the area where it is located. The War Production Board will not issue any authorization to produce permanent mold castings if the Board finds that such production will interfere with the production and delivery of war orders, and the Board intends to change or revoke any authorization if later conditions show that such interference is likely.

(3) *Additional production.* The War Production Board may add additional manufacturers to those listed above or increase the quantities specified to the extent that materials, facilities and manpower are available and additional pressure canners are needed to meet requirements. Any person desiring to produce aluminum pressure canners in addition to those mentioned above should apply by letter to the War Production Board, Washington 25, D. C., Ref: L-30-d, Direction 1. Each applicant should submit full details of the pressure canners he proposes to make, including a bill of materials on Form CMP-1, and illustrations, designs or samples when practicable. He should also submit complete information as to the availability of his facilities for this production in the light of the war work which he is doing and the manpower situation in his plant and in the area where his plant is located. A CMP-4B application for any controlled materials needed should accompany any application under this paragraph.

(4) *Revision of quotas.* If the War Production Board finds that any manufacturer will be unable to produce his quota of pressure canners because of interference with war orders or for any other reason, the Board intends to reduce his quota and transfer the excess to another manufacturer.

(d) *What types of pressure canners may be made; sizes and permissible metals—(1) Size.* Pressure canners made under this direction may be made in any size or sizes with a capacity of 7 or more 1 qt. glass jars, but may not have a smaller capacity.

(2) *Materials which may be used.* The body, cover and insets for preparing food must be made of aluminum or aluminum alloy. Carbon steel may be used in any other parts or attachments, including wire racks. Alloy steel may be used in locking devices and safety and relief valves only. Copper and copper base alloy may be used in indicating gauges, safety and relief valves and blow-out plugs only. Tin may be used in plating wire racks only. These provisions supersede any provisions in Orders L-30-c, M-9-c, M-43 and M-126, which would prevent the use of these materials. In all other respects the use of materials in pressure canners must conform to applicable conservation orders.

(e) *Reports.* (1) Beginning March 10, 1944, each manufacturer shall file by the 10th day of each month, a report by letter with the War Production Board, Washington 25, D. C., Ref: L-30-d, Direction 1, stating the number of pressure canners which he made in the preceding calendar month by sizes.

(2) The reporting provisions in this Direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-14906; Filed, Sept. 27, 1944; 11:15 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 54]

VINYL POLYMERS

§ 3293.1054 *Schedule 54 to General Allocation Order M-300—(a) Definition.* (1) "Vinyl polymers" means plasticized or unplasticized polymers and copolymers of vinyl acetate, vinyl chloride and vinylidene chloride and their condensation products. Such term shall include, but is not limited to vinyl chloride-acetate copolymers, polyvinyl chloride, polyvinyl butyral, polyvinyl acetate, polyvinyl alcohol, polyvinyl formal and polyvinyl acetal and the materials known by the trade names of Koroseal, Geon, Vinylite, Vinyon, Vinylseal, Saran, Butvar, Formvar, Alvar, Butacite, PVA, Gelva, Solva and Saflex.

The term "vinyl polymers" includes all scrap and off-grade vinyl polymers resulting from production, processing or fabrication of vinyl polymers and includes all mixtures of vinyl polymers with synthetic rubber or other materials.

The term "vinyl polymers" includes vinyl polymers in the form of uncompounded resin, powder or flake, and compounded vinyl polymers in the following forms:

Molding powder.
Emulsions, dispersions and solutions in the forms sold by resin producers.

Granules, slabs and unformed masses.
Extrusion compounds, either unformed or in the form of calendered tape.
Safety glass type film.
Cast, calendered or extruded unsupported flexible film and sheeting having a gauge of 0.050" (50 mils) or less.
Scrap or off-grade material in any of the forms resulting from production, processing or fabrication of vinyl polymers.
Unfabricated rigid sheet in the standard sizes sold by resin producers.

The term "vinyl polymers" does not include "vinyl polymer products" as defined in the next paragraph.

(2) "Vinyl polymer products" means products made from vinyl polymers, such as the following:

Unsupported flexible sheeting having a gauge of more than 0.050" (50 mils), other than safety glass type film.
Coated fabric, paper or foil.
Lacquer and adhesives, other than resin solutions, emulsions or dispersions in the forms sold by resin producers.
Molded items.
Extruded tubing and solid shapes.
Filaments.
Wire and cable.

Vinyl Polymer Restrictions

(b) *General provisions.* (1) Vinyl polymers are subject to the provisions of General Allocation Order M-300 as Appendix A materials. The initial allocation date is November 1, 1942, when these materials first became subject to allocation under Order M-10 (revoked). The allocation period is the calendar month.

(2) The small order exemption for all purposes except experimental purposes is 50 pounds (weight of resin content) per person per month. No person shall use vinyl polymers under this exemption during any month in which he has received the same kinds of vinyl polymers on specific allocation.

(3) The small order exemption for experimental purposes is 200 pounds (weight of resin content) per person per month. This may be received in addition to allocated quantities. However, the total quantity of all kinds of vinyl polymers which may be received or used under the experimental and non-experimental small order exemptions shall not exceed 200 pounds per person per month.

(4) There shall be no limitation on duration of authority for use under this schedule, notwithstanding Order M-300 (paragraph (v) of the order as amended June 6, 1944).

(5) Authorization to use vinyl polymers for any purpose carries with it authorization to perform all intermediate operations.

(6) Vinyl polymers may be delivered prior to November 30, 1944, and may be used at any time in accordance with specific authorizations issued on the basis of applications filed in the form heretofore prescribed in Order M-10 (revoked).

Scrap Exemptions

(c) *Scrap re-run exemption.* A person may re-run vinyl polymer scrap without further authorization for the same authorized purpose for which he first ran the vinyl polymer.

(d) *Disposition of scrap stocks.* Application and specific authorization shall not be required for delivery by any person of vinyl polymer scrap to, and acceptance of delivery by, any person purchasing such scrap for resale as scrap without further processing except cleaning and sorting. The person accepting delivery shall not use or process the scrap except to clean and sort it, and shall not redeliver it, without authorization under this schedule.

Applications for Vinyl Polymers

(e) *Applications by suppliers on WPB-2946.* Each supplier seeking authorization to deliver vinyl polymers (including scrap) shall file application on Form WPB-2946 (formerly PD-601). Filing date (date of receipt by War Production Board in Washington, D. C.), is the 25th day of the month before the proposed delivery month. File separate sets of forms for each different type or grade of vinyl polymer. Send three certified copies to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-54. Unit of measure is pounds, resin content basis. In Column 1 list each customer who is not ordering under small order exemption. Without specifying individual customers' names, an aggregate quantity may be requested for all exempt orders for 50 pounds or less, and a separate aggregate quantity for all exempt orders for between 50 and 200 pounds (these totals include the supplier's own exempt small use). Suppliers who purchase vinyl polymer scrap for resale without processing shall fill in only Columns 8, 10, 12 and 13 in Table II. Suppliers who produce vinyl polymers or vinyl polymer compounds from raw materials for resale shall fill in all columns of Table II as indicated.

(f) *Customers' applications on WPB-2945.* Each person seeking authorization to use or accept delivery (except in exempt quantities) of vinyl polymers, including scrap, shall file application on Form WPB-2945 (formerly PD-600).

Filing date (date of receipt by War Production Board in Washington, D. C.) is the 15th day of the month before the requested allocation month. File separate sets of forms for each type or grade of vinyl polymer. Send three certified copies to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-54. Under "name of chemical" specify the requested vinyl polymer (in terms of trade name or number or as "scrap"—do not specify compound designation). It is not necessary to fill in Column 1. Unit of measure is pounds of contained resin and not pounds of compound.

In Column 2 specify quantity requested (resin basis). Fill in Column 3 in terms of the following:

Wire and cable.
Coated fabric.
Coated paper.
Coated foil.
Lacquer.
Adhesive.
Filaments.
Rigid sheet.
Unsupported film (specify gauge).
Other product (specify).
Resale (in same form).
Export (in same form).

For military end uses show whether for Army, Navy, Aircraft, Lend-Lease or Maritime Commission. Show either industrial or civilian for non-military applications. It will not be necessary to specify customer if information in Column 3 and Column 4 clearly indicates primary product and end use.

If the material requested is to be resold or exported in the form in which it is purchased, specify "Resale" or "Export" in Column 3 and specify in Column 4 "Upon further authorization" or "Exempt small orders" for resale, and in the case of export specify end use and export license number; if Lend-Lease, specify only the contract number. Leave Columns 9 and 10 blank. Fill in Table II as indicated and leave Tables III, IV and V blank.

Each person filing application under the paragraph to accept delivery of vinyl polymers from a supplier shall advise the supplier in writing, by copy of WPB-2945 application, so that the supplier may enter his name as a proposed customer on the supplier's WPB-2946 application.

(g) *Bureau of the Budget approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Communications to War Production Board.* Communications concerning this schedule shall be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-54.

Issued this 27th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-14313; Filed, Sept. 27, 1944; 11:16 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[Supplementary Order M-21-a as Amended Sept. 27, 1944]

ALLOY IRON, ALLOY STEEL AND ELECTRIC FURNACE CARBON STEEL

§ 3294.2 *Supplementary Order M-21-a*—(a) *Definitions.* For the purposes of this order:

(1) "Alloy steel" means any steel containing any one or more of the following elements in the following amounts:

Manganese, maximum of range in excess of 1.65%. Silicon, maximum of range in excess of 0.60%. Copper, maximum of range in excess of 0.60%. Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(2) "Alloy iron" means any iron containing any one or more of the following elements in the following amounts:

Manganese, maximum of range in excess of 1.65%. Silicon, maximum of range in excess of 5.00%. Copper, maximum of range in excess of 0.60%. Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount speci-

filed or known to have been added to obtain a desired alloying effect.

It does not include those materials commonly known as ferro-alloys.

(3) [Revoked Jan. 21, 1944]

(4) "Producer" means person who melts alloy iron or alloy steel.

(b) *Purchasers' statements.* Each person who orders alloy iron or alloy steel from a producer must state on his order the end use (by general classification and specific part name) for which such material will be used.

(c) *Producers' melting schedules*—(1) *Castings.* Each producer of alloy iron or alloy steel castings must file for each month with the War Production Board, Ref.: M-21-a, a melting schedule on Form WPB-1770, in accordance with the official instructions for preparing that form.

(2) *Rolled and forged products.* Each producer of alloy iron or alloy steel other than castings must file for each month with the War Production Board, Ref.: M-21-a, a melting schedule on Form WPB-2933, in accordance with the official instructions for preparing that form.

(3) *Changes in producers' schedules.* The War Production Board may make such changes in any melting schedule as to it may seem appropriate and may from time to time issue supplementary directions with regard to melting of alloy iron and alloy steel.

(4) The reporting provisions of this order have been approved by the Bureau of the Budget pursuant to the provisions of the Federal Reports Act of 1942.

(d) *Melting of alloy iron and alloy steel.* No producer shall melt any alloy iron or alloy steel which he is required to report on Form WPB-1770 or WPB-2933, except in accordance with such melting schedule as approved or modified by the War Production Board, or in accordance with specific supplementary directions or authorizations of the War Production Board.

(e) *Special directions.* The War Production Board may from time to time issue directions as to facilities to be used in production and directions specifying as to any alloying element the quantities and proportions which may be used in making alloy iron or alloy steel, and whether and in what proportions, any such element is to be the metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(f) *Restrictions of deliveries under toll agreements.* Except pursuant to specific authorization or direction of the War Production Board, no person shall make or accept delivery under any toll agreement whereby one person melts alloy iron or alloy steel for another person.

(g) [Deleted Sept. 27, 1944.]

(h) [Deleted December 1, 1943]

(i) [Revoked Jan. 21, 1944]

Issued this 27th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-14911; Filed, Sept. 27, 1944; 11:16 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[General Limitation Order L-39, as Amended Sept. 27, 1944]

FIRE PROTECTIVE, SIGNAL AND ALARM EQUIPMENT

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of materials entering into the production of fire protective, signal and alarm equipment, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3296.1 *General Limitation Order L-39*—(a) *Definitions.* For the purpose of this order:

(1) "Fire protective equipment" means: sprinkler systems, couplings, playpipes and allied fittings, fire hose, fire hydrants, fire pumps, hose dryers, hose racks, indicator posts, lightning protection systems, piped extinguishing systems, portable fire extinguishers including back pack types, foam generators, stirrup pumps, water spray nozzles, and all other fire protective equipment for preventing or extinguishing fires, excepting self-propelled motorized fire apparatus and auxiliary units including trailer, skid, front mounted and portable apparatus.

(2) "Signal and alarm equipment" means the following types of equipment:

(i) All types of signal or alarm systems or equipment designed for protective purposes, such as: fire, police and burglar alarm systems, watchmen's time recording systems, intrusion systems, and boundary protection systems, whether such systems are central station, proprietary, auxiliary or local; recording locks; and portable watch clocks.

(ii) All types of paging and call systems (other than intercommunicating systems), such as doctor and nurse call systems and factory paging systems.

The term does not include air raid warning devices.

(3) "Dry-pendant sprinkler head" means a sprinkler head for use in a pendant position on a dry pipe system and permanently attached to an extension nipple so as to exclude water from the nipple.

(4) "Incendiary bomb control equipment" means any pump, device, instrument, or material designed for the removal, control or extinguishment of incendiary bombs.

(5) "Stirrup pump" means a manually operated pump used to draw water or other liquid from a separate container to extinguish or control fires.

(6) "Air raid warning device" means any siren, whistle, horn, diaphone, signal or device used or intended for use to warn or signal civilians in connection with air raids or other war hazards.

(7) "Copper base alloy" means any alloy in the composition of which the weight of copper equals or exceeds 40 percent of the weight of all metal in the alloy.

(b) *General restrictions*—(1) *Restrictions on use of scarce materials.* Except as provided in paragraph (c) of this order, no person shall incorporate in any fire protective, signal or alarm equipment, air raid warning device, or parts thereof, any bismuth, cadmium, chromium, copper, monel metal, nickel, tin, or alloy of any such metals, asbestos, rubber or synthetic rubber, except to the extent permitted in Appendix A hereof.

(2) [Deleted July 13, 1944]

(3) *Restrictions on foam extinguishers.* No person shall purchase or accept delivery of any foam extinguisher except for use in the protection of inflammable liquids, and no person shall sell or deliver any foam extinguisher which he knows or has reason to believe will be used in violation of this paragraph (b) (3).

(4) *Restrictions on manufacture of alkali metal (loaded stream) extinguishers.* No person shall in any quarter complete the manufacture of any type of alkali metal salt solution (loaded stream) extinguishers in excess of 25 percent of the total of such type (irrespective of size) manufactured by such person during the twelve month period ending November 30, 1941, except to fill purchase orders or contracts from any agency or government listed in subdivisions (i), (ii), and (iii) of this paragraph (b) (4). In determining the number of extinguishers manufactured during said twelve month base period ending November 30, 1941, extinguishers manufactured to fill contracts or purchase orders from, or for delivery to any of the following shall be excluded:

(i) The Army or Navy of the United States, the Veterans' Administration, United States Maritime Commission, War Shipping Administration, Panama Canal, Coast and Geodetic Survey, Coast Guard, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(ii) The Government of any of the following countries: the United Kingdom, Canada, and other dominions, Crown Colonies and protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia;

(iii) Any agency of the United States Government for delivery to or for the account of any country listed above or any other country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(5) *Restrictions on manufacture of stirrup pumps.* No person shall manufacture any stirrup pump, or part thereof, except to fill purchase orders from the Army or Navy of the United States, the Veterans' Administration, the United States Maritime Commission, War Shipping Administration, Defense Supplies Corporation, or from any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(6) *Restriction on manufacture of soda-acid fire extinguishers.* No person shall manufacture any soda-acid fire extinguisher.

(7) *Restrictions on sale and delivery of signal and alarm equipment and air raid*

warning devices. (i) No person shall sell, deliver or install any signal and alarm equipment costing $200 or more or any air raid warning device costing $25 or more except to fill the following kinds of orders:

(*a*) Orders from or for the account of the Army or Navy of the United States, the Veterans' Administration, the United States Maritime Commission or the War Shipping Administration;

(*b*) Orders for equipment (signal and alarm equipment and air raid warning devices) the delivery of which has been specifically authorized by the War Production Board on Form WPB–1319. (Any person receiving specific authorization on Form WPB–1319 must notify his supplier by placing on his purchase order the following certification, in addition to the certification in Priorities Regulation 7: "Delivery approved on Form WPB–1319, case no. —, under Order L–39". The supplier may get delivery of the equipment from his supplier to fill the order, if necessary, by placing the same certification on his order.)

(*c*) Orders for equipment the delivery of which has been specifically authorized on Form GA–1456.[1] (A person receiving an authorization for this equipment on Form GA–1456 must notify his supplier by placing on his purchase order the following certification, in addition to the certification in Priorities Regulation 7: "Delivery approved on Form GA–1456 under Direction 1 to CMP Regulation 6". The supplier may get delivery of the equipment from his supplier to fill the order, if necessary, by placing the same certification on his order.)

Cost is determined under this paragraph by taking the installed cost to the purchaser. If the equipment is leased rather than sold, cost is determined by taking the price which would be charged to the building owner if the equipment were installed and sold outright.

(ii) [Revoked Feb. 16, 1944]

(iii) In conjunction with the granting of specific authorization to receive signal or alarm equipment or air raid warning devices on Form WPB–1319, the War Production Board may also assign preference ratings to the authorized deliveries on such form. Any preference rating so assigned shall be applied and extended only in accordance with the terms of Priorities Regulation 3.

[1] Authorization on Form GA–1456 is issued for approved construction projects upon application on Form WPB–617, and persons needing signal and alarm equipment or air raid warning devices for use in a project should ask for the equipment on their project application. However, when a person wishes only to get this equipment for installation in an existing structure and no other construction is involved, he should follow these rules:

1. If the cost of installation materials is not more than $500, the application should be filed on Form WPB–1319.

2. If the cost of installation materials is more than $500, the application should be filed on Form WPB–617.

"Installation materials" include such items as wire, tubing and conduit used to install the equipment in the structure, but of course the equipment itself is not included.

(8) *Restriction on the manufacture of signal or alarm equipment.* Except upon specific authorization by the War Production Board, no person shall manufacture, install, deliver or accept delivery of any smoke, fire, or intrusion detector employing photo-electric principles, except to fill purchase orders from a purchaser listed in paragraph (b) (4) of this order and unless such item is for use on board ship.

(9) *Restrictions on the manufacture of air raid warning devices.* No person shall manufacture, sell, purchase, deliver, install or accept delivery of any air raid warning device which requires for its operation a motor in excess of three (3) horse power.

(10) *Restrictions on sale and delivery of cotton rubber-lined fire hose.* No person shall sell or deliver any new cotton rubber-lined fire hose except to fill the following kinds of orders:

(i) Orders bearing a preference rating of AA–5 or higher;

(ii) Orders which had been placed prior to August 23, 1943, and which bear a preference rating of A–9 or higher; or

(iii) Orders from distributors. (Distributors may sell or deliver only to persons to whom sale or delivery is authorized to be made by this paragraph (b) (10).)

No person shall purchase or accept delivery of any cotton rubber-lined fire hose if he knows or has reason to believe that the sale or delivery of such hose is prohibited by this paragraph.

(11) *Restrictions on manufacture of incendiary bomb control equipment.* Effective thirty days after January 20, 1943, no person shall manufacture any incendiary bomb control equipment, except when and to the extent authorized by the War Production Board, or to the extent permitted by paragraph (b) (5) of this order.

(c) *Exceptions to paragraph (b) (1).* The restrictions of paragraph (b) (1) shall not apply to:

(1) Brass fire hose couplings, provided that such couplings are delivered to or for the account of:

(i) The Army or Navy of the United States, the Veterans' Administration, the United States Maritime Commission or the War Shipping Administration, and are for use on board ship; or

(ii) Any person whose purchase order bears a rating which was assigned for the specific couplings on Form WPB–646 (formerly Form PD–300); or

(iii) The Panama Canal; or

(iv) Any person for use on board ships warranted by the United States Maritime Commission.

(2) Carbon dioxide extinguishers manufactured in accordance with specifications of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(d) *Representations on orders from government agencies.* Any purchase order or contract from any agency or government named in subparagraphs (i), (ii), or (iii) of paragraph (b) (4) of this order shall constitute a representation that the conditions exist under which such purchase order or contract may be filled within the terms of this order. Said representation may be relied upon by the person with whom the purchase order or contract is placed and by his subcontractors and suppliers.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Exceptions and appeals*—(1) *Production under Priorities Regulation 25.* Any person who wants to manufacture more fire protective, signal and alarm equipment than is permitted under paragraphs (b) (4), (b) (5), (b) (8) and (b) (11) (including a person who cannot manufacture such equipment under this order), or who wants to manufacture any soda-acid fire extinguishers prohibited by paragraph (b) (6), or any air raid warning devices requiring a motor in excess of three horsepower (prohibited by paragraph (b) (9)), may apply for permission to do so as explained in Priorities Regulation 25. A person may still apply for authorization under paragraphs (b) (8) for signal or alarm equipment and (b) (11) for incendiary bomb control equipment, if he desires. The restrictions on delivery contained in paragraphs (b) (3), (b) (7) and (b) (10) and the restrictions on use of material in paragraph (b) (1) continue to apply to fire protective, signal and alarm equipment authorized under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order other than the restrictions of paragraphs (b) (4), (b) (5), (b) (6), (b) (8), (b) (9) and (b) (11) shall be made by filing a letter in triplicate with the War Production Board, Washington 25, D. C., Ref: L–39, referring to the particular provision appealed from and stating fully the grounds of the appeal. No appeal should be filed from the provisions of the above paragraphs.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(h) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L–39.

Issued this 27th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

In accordance with the provisions of paragraph (b) (1) of this order, the materials named in this Appendix A may be incorporated in the manufacture of fire protective

equipment signal or alarm equipment, and air-raid warning devices, and in component parts thereof, to the extent indicated in this Appendix A:

(1) [Deleted Sept. 2, 1944.]

(2) Bismuth:

(i) As a component of fusible link alloy;

(ii) Up to five and one-half (5½) per cent in solder.

(3) Cadmium, only to the extent permitted by General Preference Order M-65 or by any relief granted on an appeal taken under that order.

(4) Chromium, in alloy steel for any part; [2] and in plating to the extent essential to the efficient functioning of the parts plated.

(5) Copper or copper base alloys (where copper base alloys are permitted, the alloys used shall be of the lowest type and grade that are practical for the particular application) in:

(i) Pumps for vaporizing liquid extinguishers;

(ii) Lock nuts on removable hose connections;

(iii) Bodies, ends, inner chambers, valves and their component parts for vaporizing liquid and loaded stream extinguishers;

(iv) Either collars or caps (but not both) on any 2½-gallon foam extinguisher; and in any part of 2½-gallon foam extinguishers which are produced to fill orders from or for the account of the Army or Navy of the United States, the Coast Guard, the United States Maritime Commission or the War Shipping Administration, when the extinguishers are for shipboard use and when the use of copper or copper base alloy is required by the specifications (including performance specifications) applicable to the order;

(v) Fittings, strainers, syphon tubes and valves for carbon dioxide and gas operated dry powder extinguishers;

(vi) Any part of couplings for suction hose, linen hose, chemical hose, booster hose, and potable water purification plants, but in no case shall the alloy used for castings contain more than 74 per cent copper and 2 per cent tin;

(vii) The following parts of couplings for cotton rubber-lined fire hose: Any part for any type of coupling in sizes other than 1½" and 2½"; snap clamps, clamp pins, and wire springs for "Jones" type couplings in 1½" and 2½" sizes; latch assemblies for "British" type couplings in 1½" and 2½" sizes; swivels and wires for screw type couplings in 1½" and 2½" sizes; but in no case shall the alloy used for castings contain more than 74 per cent copper and 2 per cent tin;

(viii) Expansion rings for any kind of hose;

(ix) Hose and hydrant adapters;

(x) Any part of siamese connections, wyes and steamer connections; and any part of fittings for hose reels and standpipe connections; but in no case shall the alloy used for castings contain more than 74 per cent copper and 2 per cent tin;

(xi) Playpipes made only from drawn, brazed sheet or cast brass;

(xii) Nozzles, and nozzle tips, except tips and handles for portable deluge nozzles; but in no case shall the alloy used in castings contain more than 74 per cent copper and 2 per cent tin.

(xiii) The following hydrant fittings to the extent essential to their efficient functioning; valve seats, discs, guides, operating valve stems, stuffing boxes, bushings, rivets, retainer rings, and outlet nipples;

(xiv) The following indicator post and valve fittings to the extent essential to their efficient functioning: Valve stems; seats; discs; packing glands; glands of bonnet openings; extension stem operating washer, nut and target mechanism;

(xv) Parts of portable generators, engines and fixed piped systems to the extent essential to their efficient functioning (The parts referred to herein include generator bodies except bases, shut-off valves except handles, screens, check valves, inner chambers, heads, stopples, closing and other operating mechanisms.);

(xvi) Valve seats, discs, stems, guides, and clapper arms;

(xvii) The following parts of automatic sprinkler systems and signal or alarm equipment: Actuating, indicating, and recording units of alarm or signal systems; condenser parts; contacts; diaphragm assemblies; labels of inspection laboratories; links; tubing and fittings; valves not over 2 inches; wire and cables; impellers and rings for fire pumps and for water flow alarms; deflectors on any sprinkler heads if made of casting, but the alloy shall not contain more than 74 per cent copper and 2 per cent tin; all other parts of open and closed sprinkler heads, but the alloy for frames for closed heads shall not contain more than 86 per cent copper and 6 per cent tin, the alloy for frames for open heads shall not contain more than 74 per cent copper and 2 per cent tin, and the alloy for lever arms shall contain no tin and not more than 74 per cent copper.

(xviii) Impellers, retaining rings and bushings for fire pumps;

(xix) Watchmen's time recording systems where required for efficient functioning;

(xx) The following parts of air raid warning devices: motors up to three horse power, actuating units, wire and cable, control and reducer valves only to the extent necessary to the efficient functioning thereof.

(xxi) Name and identification plates of a gauge of .03125 inch or less for fire extinguishers which are to be used in aircraft or on board ship.

(6) [Revoked.]

(7) [Deleted May 1, 1944.]

(8) Nickel, in signal or alarm systems as a component of bi-metal thermal discs for thermostats, as plating for protection against corrosion where magnetic properties of nickel are essential, as a component of wire wound resisters, as a component of thermocouple wire and as a component of permanent magnets; in signal or alarm systems for plating component parts of control mechanisms essential to the efficient functioning of the system, where less critical material as a substitute would not be suitable; and in alloy steel for any part.[2]

(9) Tin:

(i) As a component of fusible link alloy; and in dry pipe valve seat rings, but not to exceed fifty per cent in weight;

(ii) In copper base alloys the use of which is permitted by paragraph (5) hereof, but only where no tin-free alloy can be used, and only to the extent permitted by General Preference Order M-43;

(iii) Up to ten per cent by weight in metal for coating steel shells for vaporizing liquid extinguishers;

(iv) In solder, provided that the tin content does not exceed that permitted by General Preference Order M-43;

(v) As a component of foil for use in anti-intrusion and anti-sabotage systems, to the extent essential to the efficient functioning of the equipment, provided that the use of tin for this purpose is properly authorized under General Preference Order M-43.

(10a) [Deleted May 1, 1944.]

(10b) [Deleted May 1, 1944]

(11) Monel metal:

(i) In balls for check valves in dry pipe valves, accelerating equipment, and water flow alarms for automatic sprinkler systems;

(ii) In helical springs for fire detecting thermostats;

(iii) In vanes and pressure type flexible joints for water flow alarm devices.

(iv) In screens in marine type strainers and nozzles to fill orders from or for the account of the United States Navy when required by the applicable specifications.

(12) [Deleted May 1, 1944]

(13) Asbestos:

(i) In gaskets for hydrants, fixed or portable foam applicator pipes, and alarm systems.

(ii) As packing for vaporizing liquid extinguishers.

(14) Rubber and synthetic rubber, to the extent permitted by Rubber Order R-1, as amended, or to the extent permitted by any relief granted pursuant to an appeal taken in accordance with the provisions of that order.

[F. R. Doc. 44-14907; Filed, Sept. 27, 1944; 11:15 a. m.]

[2] The War Production Board is at present restricting the types and grades of alloy steel, other than National Emergency Triple Alloy Steel (nickel-chromium-molybdenum), that may be produced for particular end uses. If a manufacturer desires to have alloy steel of a restricted type or grade produced for him, the matter should be discussed with the Steel Division of the War Production Board, Washington 25, D. C.

PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[General Limitation Order L-43, as Amended Sept. 27, 1944]

MOTORIZED FIRE APPARATUS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of the materials entering into the manufacture of motorized fire apparatus for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3296.6 *General Limitation Order L-43*—(a) *Definitions.* For the purposes of this order:

(1) "Motorized fire apparatus" means self-propelled motorized fire apparatus and auxiliary pumping units of fire apparatus, and includes accessories therefor and equipment thereon.

The term shall not include second hand apparatus nor parts or materials for the repair or maintenance of existing apparatus.

(2) "Sedan" means self-propelled motorized fire apparatus of which more than 50% of the area behind the windshield is enclosed.

(3) "Service ladder truck" means self-propelled motorized fire apparatus on which the equipment carried consists of service or ground ladders, miscellaneous equipment, and tools.

(4) "Squad car" means self-propelled motorized fire apparatus designed to carry men.

(5) "Salvage car" means self-propelled motorized fire apparatus designed to carry canvas covers, life nets, and similar equipment.

(6) "Rescue car" means self-propelled motorized fire apparatus designed to carry first aid equipment.

(7) "Hose truck" means self-propelled motorized fire apparatus designed to carry fire hose.

(8) "Pumper" means self-propelled motorized fire apparatus carrying a booster tank, a pump, and hose, which

is designed primarily to pump water from sources other than its own booster tank.

(9) "Tank truck" means self-propelled motorized fire apparatus carrying a water tank, a pump, and hose, which is designed primarily to pump water from its own water tank rather than from outside sources. The term shall include, but not by way of limitation, so-called "crash trucks".

(10) "Aerial ladder truck" means self-propelled motorized fire apparatus on the chassis of which are combined an aerial ladder and any or all of the following equipment: (i) a complement of service or ground ladders, (ii) fire hose, (iii) a booster tank, (iv) a pump. An aerial ladder truck may also carry miscellaneous equipment.

(11) "Auxiliary pumping unit" means the following types of fire apparatus:

(i) A pump designed to be mounted on the front or side of a self-propelled vehicle and designed to receive its pumping power from the motor of the self-propelled vehicle;

(ii) A pump and motor designed to be mounted on a trailer, skid, or other type of support; and

(iii) A vehicle or other support carrying a pump or a pump and motor of the types described in the preceding subparagraphs of this paragraph (a) (11).

The term does not include any pumps covered by Limitation Order L–192 or L–123, or Schedule VII to Limitation Order L–217.

(12) "Copper base alloy" means any alloy in the composition of which the weight of copper equals or exceeds 40 per cent of the weight of all metal in the alloy.

(13) "Specification of the War Production Board" means the specification for 500 and 750 g. p. m. pumpers on file at the offices of the Safety and Technical Equipment Division of the War Production Board, Washington, 25 D. C. (Copies of this specification may be obtained by addressing a communication to the address indicated in paragraph (k) of this order.)

(14) "Manufacturer" means any person engaged in the business of manufacturing, fabricating or assembling motorized fire apparatus.

(15) "Distributor" means any person engaged in the business of purchasing and reselling motorized fire apparatus without further fabrication of such apparatus.

(16) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(b) *Restrictions on manufacture of motorized fire apparatus.* Except as permitted by paragraph (c) of this order, no manufacturer shall take any action to commence, continue or complete the manufacture of:

(1) Any sedan, service ladder truck, squad car, salvage car, rescue car, or hose truck;

(2) Any chassis for use in connection with a pumper carrying a centrifugal pump of 500 g. p. m. capacity, as rated by the National Board of Fire Underwriters, unless such pumper is being manufactured for delivery to or for the account of the Navy of the United States, Lend-Lease, or any person to whom an export license covering the specific equipment has been issued by the Foreign Economic Administration;

(3) Any 1½ ton chassis for use in connection with a tank truck, unless such tank truck is being manufactured for delivery to or for the account of the Navy of the United States or Lend-Lease;

(4) Any pumper except the following types:

(i) Pumpers which carry centrifugal pumps of either 500 or 750 g. p. m. capacities, as rated by the National Board of Fire Underwriters, and which conform to the "Specification of the War Production Board", and

(ii) Pumpers which carry centrifugal pumps of 1000 or 1250 g. p. m. capacity, as rated by the National Board of Fire Underwriters: *Provided, however,* That the manufacture of such pumpers shall not be commenced until the specifications therefor have been submitted to the War Production Board and have been specifically approved by the War Production Board;

(5) Any tank truck except one having a pump capacity of not more than 400 g. p. m. and carrying a water tank of a capacity of 250 gallons or more, *Provided, however,* That the restrictions set forth in this subparagraph (5) shall not apply to the manufacture of tank trucks for delivery to or for the account of the Army or Navy of the United States, the Veterans' Administration, or Lend-Lease:

(6) Any aerial ladder truck except one carrying

(i) An extension ladder of not less than 65 feet nor more than 100 feet in length;

(ii) Not more than 500 feet of 2½ inch fire hose, if hose is required;

(iii) A booster tank of not less than 100 gallon nor more than 200 gallon capacity, if a booster tank is required; and (iv) A pump having a capacity of not more than 100 g. p. m., if a pump is required.

(c) *Exceptions.* (1) Notwithstanding the restrictions set forth in paragraph (b) of this order any motorized fire apparatus in the process of manufacture on April 16, 1943, may be completed to fill purchase orders bearing preference ratings which had been assigned to the person placing the order prior to April 16, 1943. Deliveries of such apparatus may be made and accepted without further authorization under paragraph (e) (5) (iii) of this order.

(2) The provisions of paragraphs (b) (2) and (b) (3) of this order shall not be construed to prohibit any alteration or further fabrication of chassis which have been obtained under the provisions of General Conservation Order M–100.

(d) *Restrictions on use of materials in motorized fire apparatus.* Except as specifically authorized by the War Production Board, no manufacturer shall incorporate in the manufacture of any motorized fire apparatus, or of any component part thereof, any aluminum, cadmium, copper, copper base alloy, chromium, nickel, tin, rubber or synthetic rubber, except to the extent permitted in Appendix A, attached to this order.

(e) *Restrictions on sale and delivery of motorized fire apparatus.* (1) No manufacturer or distributor shall install a bell on any motorized fire apparatus, and no person shall sell or deliver any bell which he knows or has reason to believe will be used in connection with motorized fire apparatus;

(2) No manufacturer or distributor shall install any new or used rubber tires on any auxiliary pumping unit, and no person shall sell or deliver any new or used rubber tires which he knows or has reason to believe will be used on an auxiliary pumping unit, except to fill "government orders" as defined in Rubber Order R–1.

(3) No manufacturer or distributor shall sell, deliver, or otherwise supply:

(i) Any accessories or equipment for use in connection with new motorized fire apparatus other than the types and kinds permitted for pumpers by paragraph D–20 of the "Specification of the War Production Board."

(ii) Any intercooler for use in connection with any auxiliary pumping unit, except where it is to be used in place of a radiator.

(iii) Any tachometer for use in connection with motorized fire apparatus, except tachometers which were completed and in the possession of manufacturers or distributors on April 16, 1943.

(4) No person shall sell or deliver any suction hose for use in connection with motorized fire apparatus except to fill purchase orders bearing preference ratings of AA–5 or higher;

(5) No person shall sell or deliver any pumper, tank truck, aerial ladder truck, or auxiliary pumping unit, except to or for the account of:

(i) The Army or Navy of the United States or the Veterans' Administration;

(ii) Any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act); or

(iii) Any other person who has been authorized by the War Production Board on Form WPB–1319 to receive the specific motorized fire apparatus and has delivered to his supplier a copy of such form signed in the name of the War Production Board.

(6) No person shall purchase or accept delivery of any material if he knows or has reason to believe that the sale or delivery of such material is prohibited by the terms of subparagraphs (1), (2), (3), (4) or (5) of this paragraph (e).

(f) *Authorizations on Form WPB–1319.* (1) [Deleted February 16, 1944.]

(2) Any authorization by the War Production Board on Form WPB–1319 may be granted subject to any conditions which the War Production Board deems necessary. Such conditions may include the requirement that a different size or type of apparatus be obtained, or any other condition. The War Production Board may also assign a preference rat-

ing on Form WPB–1319 if such rating is deemed necessary.

(g) [Deleted May 5, 1944]

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(k) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington (25), D. C., Ref: L–43.

Issued this 27th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

In accordance with paragraph (d) of this order, the materials named in that paragraph may be incorporated in the manufacture of motorized fire apparatus, or of component parts thereof, to the extent indicated below, unless any of the uses specified herein shall conflict with the provisions of any other limitation ("L") or conservation ("M") order, in which case the more restrictive order shall control:

NOTE: Former subparagraphs (1), (2), (4) and (9) deleted; former subparagraphs (3), (5), (6), (7) and (8) redesignated (1), (3), (4), (6), and (7); a new subparagraph (2) added May 5, 1944.

(1) Aluminum, only to the extent permitted by Supplementary Order M–1–l or by any specific authorization under that order;

(2) Cadmium, only to the extent permitted by General Preference Order M–65 or by any relief granted on appeal taken under that order;

(3) Chromium, in alloy steel for any part; [1] and in plating to the extent essential to the efficient functioning of the parts plated;

(4) Copper or copper base alloy (of the lowest type and grade which is practical for the particular application), in automotive parts; intercoolers; suction tube caps; discharge valve caps; valves (not including the handles); relief valves; impellers, rings and rotors; and in fire pumps, but the alloy for the body of the pump shall not contain more than 74% copper and 2% tin;

(5) Nickel, in alloy steel for any part; [1]

(6) Rubber or synthetic rubber, only to the extent permitted by Rubber Order R–1 or by any relief granted on appeal taken under that order;

(7) Tin, in copper base alloys (where no tin-free alloy can be used); and in soldiers and babbitts to the extent permitted by Preference Order M–43.

[F. R. Doc. 44–14908 Filed, Sept. 27, 1944; 11:15 a. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 443, Revocation]

SOYBEAN OIL MEAL, CAKE, PEA SIZE MEAL AND PELLETS

A statement of the considerations involved in the issuance of this order, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 443 is revoked subject to the provisions of Supplementary Order 40.[1]

This order shall become effective October 2, 1944.

Issued this 26th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–14889; Filed, Sept. 26, 1944; 4:39 p. m.]

PART 1315—RUBBER AND RUBBER PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 200,[2] Amdt. 16]

RUBBER HEELS, RUBBER HEELS ATTACHED, AND ATTACHING OF RUBBER HEELS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 200 is amended in the following respects:

1. In § 1315.1403 paragraphs (a) and (b) are amended and paragraph (c) is added, to read as follows:

(a) *Reports.* A manufacturer who introduces a new brand name for a heel or who wishes to have a certain brand name reclassified shall file a report and six pairs of the heel with the Office of Price Administration, Washington, D. C. This report shall include the following:

(1) The abrasion index and tensile strength of the heel.

(2) The classification in which he wishes the brand name to be placed.

(3) A statement indicating that all heels produced or sold by him that bear that brand name will equal or exceed the quality of the sample heels submitted.

(4) Where the manufacturer wishes a brand name reclassified, the report shall also include a statement that the reclassified heel will be marked with its appropriate V symbol (or with some other symbol or mark which must be described), as well as with its brand name, so that the reclassified heel may be readily distinguishable by the trade and by the public from the heel bearing that brand name produced under its former classification.

(b) *Approval or denial of requests for classification or reclassification.* After receipt of the report and samples, the Office of Price Administration will either classify or reclassify the heel by amending the regulation or will deny the request for classification or reclassification.

A brand name shall not be reclassified unless the reclassified heel is marked with its appropriate V symbol or in some other manner approved by the Office of Price Administration that will make the reclassified heel readily distinguishable from the heel of the same brand name produced under its former classification. This distinguishing symbol or mark shall be included in the reclassified brand name. Notwithstanding any other provision of this section, the Office of Price Administration may approve reclassification of a brand name without any such distinguishing symbol or mark if it is satisfied that no heels of the brand name's former classification are in any of the channels of trade.

(c) *Sales of heels with new or reclassified brand names.* A new heel whose brand name is to be classified or a heel whose brand name is to be reclassified may not be sold or delivered until the regulation has been amended listing such brand name in its appropriate classification. After reclassification, a heel's brand name without the V symbol or other distinguishing mark, shall continue to be listed in the same price category as before until the Office of Price Administration is satisfied that none of the heels of the brand name's former classification are in any branches of the trade.

2. In § 1315.1405 (a) (1) (ii) the brand names Columbia, Fleetwood, Fleetwood 60, and Tauko are respectively amended to read as follows:

Columbia (V–1)
Fleetwood (V–1)
Fleetwood 60 (V–1)
Tauko (V–1)

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*Copies may be obtained from the Office of Price Administration.

[1] The War Production Board is at present restricting the types and grades of alloy steel, other than National Emergency Triple Alloy Steel (nickel—chromium—molybdenum), that may be produced for particular end uses. If a manufacturer desires to have alloy steel of a restricted type or grade produced for him, the matter should be discussed with the Steel Division of the War Production Board, Washington 25, D. C.

[2] 9 F.R. 5903, 9258.

3. In § 1315.1405 (a) (1) (iii) the following brand name and manufacturer's name is added to appear in alphabetical order:

Fleetwood 60, New Jersey Rubber Company.

4. In § 1315.1405 (a) (1) (iv) the following brand name and manufacturer's name is added to appear in alphabetical order:

Fleetwood, New Jersey Rubber Company.

and the brand name Spartan is amended to read as follows:

Spartan (V-3), New Jersey Rubber Company.

5. In § 1315.1405 (a) (1) (v) the following brand names and manufacturers' names are added to appear in alphabetical order:

Columbia, New Jersey Rubber Company.
Spartan, New Jersey Rubber Company.
Tauko, New Jersey Rubber Company.

This amendment shall become effective October 2, 1944.

NOTE: The reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14917; Filed, Sept. 27, 1944; 11:38 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 88]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Sections 1315.302 (d), 1315.509, 1315.510 and 1315.602 (c) are revoked.

2. Section 1315.804 (j) is amended to read as follows:

(j) *Transfer of new truck tires by manufacturers without certificate.* A manufacturer may transfer new truck tires to any dealer without certificate by complying with the provisions of this paragraph. These transfers may be made only from a tire manufacturing establishment or a "regional branch" as defined in § 1315.804 (f).

(1) He may transfer a new truck tire with a cross-section size 7.50 or smaller or one with a cross-section size 8.25 or larger without certificate, only if the tire manufacturing establishment or "regional branch" from which the transfer is to be made has no valid replenishment portions on hand from dealers covering unfilled orders for new truck tires in the same cross-section size group (7.50 or smaller, 8.25 or larger) as that in which the tires which the manufacturer intends to transfer without certificate fall.

(2) A manufacturer who transfers new truck tires under this paragraph shall send a shipping memorandum to the dealer who is acquiring the tires showing the manufacturer's name and the address of his shipping point, the dealer's name and address (specifying the county), the date of the shipment and the number and sizes of the new truck tires being shipped. Shipping memoranda which the manufacturer sends to dealers under this paragraph shall not include any tires for which the manufacturer has received replenishment portions, and each such memorandum shall contain the following statement: "A copy of this has been sent to the OPA Inventory Branch."

(3) A manufacturer shall mail to the OPA Inventory Branch, Empire State Building, New York, New York, once each week clear copies of the shipping memoranda covering the shipments made during the preceding calendar week under this paragraph. He shall with each mailing enclose a summary of the number of shipping memoranda being forwarded, the number of new truck tires by cross-section size group covered by these shipping memoranda and a signed certification stating the following: "I certify that the shipping memoranda enclosed cover all shipments made during the week under § 1315.804 (j) of Ration Order No. 1A and that the information contained herein is true and correct."

(4) A manufacturer may not under this paragraph transfer to a dealer more than 50 new truck tires in a cross-section size group (7.50 or smaller, 8.25 or larger), nor may he transfer any new truck tires in a cross-section size group if he knows or has reason to believe that the dealer has already acquired 100 new truck tires in that size group from manufacturers under this paragraph. A dealer may not under this paragraph acquire more than 50 new truck tires in a cross-section size group from a single manufacturer nor more than 100 new truck tires in a cross-section size group from all manufacturers.

(5) A manufacturer may not transfer tires under this paragraph to an establishment unless the dealer has certified on his order that he was in the business of selling truck tires from that establishment on July 29, 1944. A dealer may not under this paragraph acquire tires for an establishment where he did not engage in the sale of truck tires on July 29, 1944.

This amendment shall become effective September 28, 1944.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14920; Filed, Sept. 27, 1944; 11:36 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Supp. 3]

SOYBEAN PRODUCTS

In the judgment of the Price Administrator, it is necessary and proper to revise the maximum prices established for the soybean products covered, prior hereto, by Maximum Price Regulation 443, in certain minor respects, to establish maximum prices for soybean millfeed, and to reissue the existing regulation as a supplement to Food Products Regulation No. 3. Accordingly, this supplement supersedes Maximum Price Regulation 443 insofar as that regulation establishes maximum prices for sales of soybean products as that term is defined herein.

Such specifications and standards as are used in this supplement were, prior to such use, in general use in the trade or industry.

A statement of the considerations involved in the issuance of this supplement, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

SUPPLEMENT 3 TO FOOD PRODUCTS REGULATION 3—SOYBEAN PRODUCTS

ARTICLE I—GENERAL PROVISIONS

Sec.

ARTICLE II—PRICING PROVISIONS

AUTHORITY: Secs. 1 to 12, inclusive (§ 1351.400), issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *Explanation of the relation of this supplement to Food Products Regulation No. 3.* Not all of the provisions affecting maximum prices for sales of soybean products are stated in this supplement. Those which are not spe-

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392, 9724.

cifically set forth here are stated in Food Products Regulation No. 3, and they are just as much a part of this supplement as if they were printed here.

The particular sections of Food Products Regulation No. 3 which are applicable to this supplement are listed in appropriate places in the provisions which follow. When any applicable section of the regulation is amended, the amendment is also applicable to this supplement.

SEC. 2. *Applicability.* Except for those sales exempted by paragraph (a) of this section, this supplement shall apply to all sales of soybean products within the United States and to all deliveries of such products, whether immediate or future.

(a) *Exempt sales*—(1) *Export sales.* Section 2.1 of Food Products Regulation No. 3, dealing with export sales, is applicable to this supplement.

(b) *Emergency purchases.* Section 2.2 of Food Products Regulation No. 3, dealing with emergency purchases, is applicable to this supplement.

SEC. 3. *Sales at other than maximum prices.* (a) Regardless of any contract or obligation, no person shall sell or deliver, and no person shall, in the course of trade or business, buy or receive, any commodity covered by this supplement at a price above the maximum price established by this supplement, nor shall any person agree, solicit, offer or attempt to do any of the foregoing: *Provided, however,* That certain agreements to raise prices are permissible, as provided for in paragraph (1) of this paragraph.

(1) *Adjustable pricing.* Section 2.3 of Food Products Regulation No. 3, dealing with adjustable pricing, is applicable to this supplement.

(b) Prices lower than the maximum prices established by this supplement may, of course, be charged or paid.

SEC. 4. *Definitions*—(a) *Definitions appearing in Food Products Regulation No. 3.* Definitions of the following terms set forth in the designated sections of Food Products Regulation No. 3 are applicable to all of the provisions of this supplement:

"Person", sec. 1.1 of Food Products Regulation No. 3.
"United States", sec. 1.2 of Food Products Regulation No. 3.
"Processor", sec. 1.3 of Food Products Regulation No. 3.
"Store", sec. 1.4 of Food Products Regulation No. 3.
"Retailer", sec. 1.5 of Food Products Regulation No. 3.
"Car door seller", sec. 1.6 of Food Products Regulation No. 3.
"Trucker-merchant", sec. 1.7 of Food Products Regulation No. 3.
"Jobber", sec. 1.8 of Food Products Regulation No. 3.
"Wholesaler", sec. 1.9 of Food Products Regulation No. 3.
"Feeder", sec. 1.10 of Food Products Regulation No. 3.
"Supplier", sec. 1.11 of Food Products Regulation No. 3.
"Customer", sec. 1.12 of Food Products Regulation No. 3.
"Importer", sec. 1.13 of Food Products Regulation No. 3.
"Your supplier's maximum price on the sale to you", sec. 1.14 of Food Products Regulation No. 3.
"Commodity", sec. 1.15 of Food Products Regulation No. 3.
"Oil cake", sec. 1.16 of Food Products Regulation No. 3.
"Oil meal", sec. 1.17 of Food Products Regulation No. 3.
"Sized cake", sec. 1.18 of Food Products Regulation No. 3.
"Pellets", sec. 1.19 of Food Products Regulation No. 3.
"Transportation cost", sec. 1.20 of Food Products Regulation No. 3.
"Hauling allowance", sec. 1.21 of Food Products Regulation No. 3.
"Carload shipment", sec. 1.22 of Food Products Regulation No. 3.
"Pool car lot", sec. 1.23 of Food Products Regulation No. 3.
"Less-than-carload lot", sec. 1.24 of Food Products Regulation No. 3.
"Unit of protein", sec. 1.25 of Food Products Regulation No. 3.
"Applicable supplement", sec. 1.26 of Food Products Regulation No. 3.

(b) *Additional definitions.* When used in this supplement, the following terms shall have the following meanings:

"Soybean products" means soybean oil meal, oil cake, sized cake, pellets and soybean by-products.

"Soybean by-products" are the by-products resulting from the manufacture of soybean flour or grits and are composed of soybean hulls and the offal from the tail of the mill. They include any mixture of soybean by-products and one or more other soybean products. Soybean by-products are sometimes referred to as soybean mill feed.

"Freight allowance from Decatur, Illinois" means the appropriate one of the allowances listed below:

(a) When the point to which it is figured is within the switching limits of Decatur, Illinois—$1.80 per ton.

(b) When the point to which it is figured is any point in the area east of the Illinois-Indiana state line, thence on or north of the Ohio River to Kenova, West Virginia, thence on or north of the Norfolk and Western Railway to Roanoke, Virginia, thence on or north of the Virginia Railway from Roanoke, Virginia, to Norfolk, Virginia—The carload flat rate on grain products from Decatur, Illinois.

(c) When the point to which it is figured is any point other than one of those listed in the above paragraphs (a) and (b)—The carload flat rate on soybean oil meal from Decatur, Illinois.

"Extraction method" means that method of processing soybeans whereby ground beans are cooked and the oil content of the cooked product reduced by the use of solvents to 1% or less on a commercial basis.

SEC. 5. *Other provisions of general applicability.* Provisions relating to the following matters are set forth in Food Products Regulation No. 3 and the sections of that regulation listed below are applicable to and made a part of this supplement as though set forth herein in full.

(a) Evasion, sec. 2.4 of Food Products Regulation No. 3.
(b) Enforcement, sec. 2.5 of Food Products Regulation No. 3.
(c) Licensing, sec. 2.6 of Food Products Regulation No. 3.
(d) Documents, records and reports, sec. 2.7 of Food Products Regulation No. 3.
(e) Interpretations, protests and petitions for amendment, sec. 2.8 of Food Products Regulation No. 3.

ARTICLE II—PRICING PROVISIONS

SEC. 6. *Base per ton prices for soybean products.* Base prices for all soybean products are set forth below. These prices depend upon the giving and fulfilling of a guarantee of minimum protein content. "Standard protein content" for soybean oil meal, oil cake, sized cake and pellets is 44 per cent when those products are the result exclusively of the extraction method of production, and 41 per cent when any other method or combination of methods is used. "Standard protein content" for soybean by-products (soybean millfeed) is 15 per cent.

The base prices set forth in this section are for sales or deliveries of 60,000 pounds or more, for carload shipments, and for pool carlots. In the event you deliver a less than carload lot of any soybean product, you may add $1.00 per ton to the price listed below in arriving at your base price.

(a) If you guarantee, at the time of sale, that the lot will contain, at a minimum, the standard protein content, and you fulfill such guarantee by delivering a lot with at least that protein content, your base price, at any point, is the freight allowance to such point plus the appropriate one of the following:

Oil meal and oil cake [1]	$45.00
Sized cake and pellets	40.50
Soybean by-products	30.00

[1] For soybean oil meal which is manufactured by a special process different from that used in manufacturing soybean oil meal for feed, and which is sold by the processor to a manufacturer of adhesives for further processing into adhesives, use a price of $48.00. If soybean oil meal is thus specially produced and either sold to a manufacturer of adhesives by someone other than the processor, or sold by the processor to anyone other than a manufacturer of adhesives, the $45.00 price is applicable for such oil meal.

(b) If you guarantee, at the time of sale, that the lot will contain, at a minimum, any specified protein content less than the standard protein content for the commodity, and you fulfill such guarantee by delivering a lot with at least the minimum protein content guaranteed, you determine your base price by deducting from the price for the commodity listed in paragraph (a) above, 55 cents per ton for each one-half unit of protein or fraction thereof by which the actual protein content of the lot is under the standard for the commodity.

(c) If, at the time of sale, you guarantee any minimum protein content, and you deliver a lot that falls short of your guarantee, you determine your base price by dividing the base price that would be applicable if the guarantee had been fulfilled by the number of units guaranteed, and multiply that result by the number of full units of protein in the lot, but not by more than the number of units in the standard protein content for the commodity.

(d) If, at the time of sale, you do not guarantee any minimum protein con-

tent, you determine your base price at any point by multiplying the actual number of full units of protein in the lot by $1.05 and adding the freight allowance to that point, except that in no case may the price exceed that set forth in paragraph (a) for the same commodity at the same point sold with a guarantee of standard protein content.

(e) *Base prices for importers.* The base price for an importer at any point is the same as the base price for any other person selling and delivering the same commodity under the same circumstances.

SEC. 7. *Maximum prices for sales by processors.* If you are a processor, you figure your maximum per ton price, bulk, for all sales of soybean products by adding to the appropriate base price the applicable maximum markup, if any.

(a) *Base price.* The appropriate base price is the base price for the point at which you deliver to your customer, as set forth in section 6 of this supplement.

(b) *Maximum markup.* As a processor you are not permitted to add a maximum markup in figuring the maximum price for the sale of any lot unless you have unloaded such lot into a warehouse or store operated by you as a separate place of business not located at the production plant, and you sell from such warehouse or store. If, as to any lot, you comply with this requirement, you may add the appropriate one of the following markups:

	Per ton
If you sell to a feeder from a store	$4.50
In all other cases	1.50

SEC. 8. *Maximum prices for sales by trucker-merchants.* Section 3.2 of Food Products Regulation No. 3, which provides a pricing method for trucker-merchants, is applicable to this supplement.

(a) *Your supplier's maximum price.* Section 3.2 refers to "your supplier's maximum price on the sale to you." It is defined in section 1.14 of Food Products Regulation No. 3. If you are the importer, "your supplier's maximum price on the sale to you" is the base price for the point of entry.

(b) *Hauling allowance.* Section 3.2 of Food Products Regulation No. 3 also refers to "hauling allowance". That term is defined in section 1.21 of Food Products Regulation No. 3. If you are the importer, you may consider only the distance from the point of entry to the point at which you deliver to your customer, in determining the amount of the hauling allowance.

SEC. 9. *Maximum prices for sales by jobbers and car door sellers.* If you are a jobber or a car door seller, you figure your maximum per ton price, bulk, for all sales of soybean products by adding to the appropriate base price, the applicable maximum markup, if any.

(a) *Base price.* The appropriate base price is the base price for the point at which you deliver to your customer, as set forth in section 6 of this supplement.

(b) *Maximum markup*—(1) *Jobbers.* If no other jobber has already handled the same lot, you may add one of the following maximum markups:

	Per ton
For deliveries in pool car lots	$1.00
For all other deliveries	.75

(2) *Car door sellers.* If you are a car door seller, you may add a maximum markup of $3.50 per ton. If you purchased the lot you are pricing from a jobber, you may also add $.75 per ton, which represents his lawful markup on the sale to you.

SEC. 10. *Maximum prices for sales by wholesalers and retailers.* Section 3.4 of Food Products Regulation No. 3, which provides a pricing method for wholesalers and retailers, and section 3.5 of Food Products Regulation No. 3, which provides base prices for wholesalers and retailers, are applicable to this supplement.

(a) *Base prices.* The base prices referred to in section 3.4 are the base prices set out in section 3.5 of Food Products Regulation No. 3. However, as a wholesaler or retailer of soybean products, in figuring these wholesale and retail base prices, you must make one substitution in connection with "your supplier's maximum price" and the specified transportation cost. As to any soybean products which you bought as a lot of 60,000 pounds or more, or as a carload shipment, or which you received as part of a pool car lot, you may not use your supplier's maximum price on the sale to you plus transportation cost as specified in section 3.5; you must substitute in its place the appropriate base price for the soybean product at your warehouse or store. This base price is determined under section 6 of this supplement. In the case of any such substitution, you may, if you purchased such a lot from a jobber, add $1.00 or $.75 per ton, whichever represents the jobber's markup on the sale to you. You must make this substitution regardless of which method of figuring a wholesaler's or retailer's base price you use.

(b) *Maximum markups.* This regulation aims to prevent the inclusion in any maximum price of more than one markup for any class of seller. As a retailer you can always add a retailer's maximum markup, since a seller can qualify as a retailer only when he is selling a particular lot to a person who will use the lot and will not resell it. It is therefore impossible for two retailers to handle the same lot. As a wholesaler, however, you are permitted to add the maximum markup set out below in figuring the maximum price for the sale of any lot, only if no other wholesaler has already handled the lot. On this condition the following maximum markups may be added.

	Per ton
Wholesaler	$2.50
Retailer	5.50

SEC. 11. *Maximum prices for sales by government agencies, including the Commodity Credit Corporation.* The maximum price which a government agency, including the Commodity Credit Corporation, may charge is the same price the processor could charge for the same sale.

SEC. 12. *Charges for sacks and sacking.* Section 3.6 of Food Products Regulation No. 3, dealing with increases for sacks and section 3.7 of Food Products Regulation No. 3, dealing with charges for sacking, are applicable to this supplement.

This supplement shall become effective on the 2d day of October 1944.

NOTE: The record-keeping provisions of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued this 26th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14838; Filed, Sept. 26, 1944; 4:44 p. m.]

PART 1396—FINE CHEMICALS, DRUGS AND COSMETICS

[MPR 472,[1] Amdt. 4]

CERTAIN ESSENTIAL OILS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Appendix C is amended by adding a new paragraph designated (d) to read as follows:

(d) *Pre-existing contracts.* Any person who, prior to June 15, 1944, had purchased, contracted to purchase or had established an irrevocable letter of credit pursuant to a contract to purchase, oil of lemon to be imported into the continental United States at a total landed cost higher than the maximum prices specified in paragraph (a) for domestic sales may apply to the Chemicals and Drugs Price Branch, Office of Price Administration, Washington, D. C., for approval of a selling price above that permitted under paragraph (a). Such application shall be made in writing and shall include the following:

(1) The date of purchase.
(2) The price paid and terms of sale.
(3) The total quantity received or to be received.
(4) An itemized statement of all import expenses.
(5) A copy of the irrevocable letter of credit or contract of purchase.

This amendment shall become effective October 2, 1944.

NOTE: All record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14922; Filed, Sept. 27, 1944; 11:36 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13126; 9 F.R. 3426, 4197, 6710.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3,[1] Amdt. 47]

SUGAR

A rationale accompanying this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 3 is amended in the following respects:

1. Section 1407.71a is amended to read as follows:

§ 1407.71a *Home processing for sale*—(a) *Sugar for producing foods having a point value greater than zero*—(1) *Who may apply.* A person registered as a consumer may obtain from the Board certificates with which to get sugar to produce, from fresh fruits and fruit juices, "home processed foods" (as defined in section 26.1 of Revised Ration Order 13), other than those having a zero point value, which he intends to transfer for points in accordance with section 26.3 of 26.4a of Revised Ration Order 13.

(2) *How application is made.* Applications under this paragraph shall be made to the Board, on OPA Form R–315, personally by the consumer applying for the family unit. The application shall state:

(i) The number of pounds of "home processed foods" (other than those having a zero point value) he intends to produce from fresh fruits and fruit juices.

(ii) The address at which the processing will be done.

(iii) The type of facilities to be used.

(iv) The number of pounds of sugar applied for.

(v) If any member of his family unit has obtained sugar under this section before March 1, 1944. Before the application may be granted, he must account for the "home processed" foods produced with such sugar by submitting either an inventory of such foods or a statement that he has made the reports and surrendered the points required by Revised Ration Order 13 for their transfer, or both.

(vi) If any member of his family unit has received an allowance under this section after March 1, 1944; if so,

(*a*) The name of the member who applied;

(*b*) The address of the Board at which the application was filed; and

(*c*) The number of pounds of sugar so obtained.

(b) *Sugar for producing certain other products*—(1) *Who may apply.* A person registered as a consumer may obtain from the Board certificates with which to get sugar to produce from fresh fruits and fruit juices "home processed foods" (as defined in section 26.1 of Revised Ration Order 13) having a zero point value, and to produce, in a "kitchen", from fresh fruit and fruit juices for sale or transfer, jams, jellies, preserves, marmalades and fruit butters, if he used sugar to produce those products during 1941, for sale or transfer. (Sections 26.1 and 26.4 of Revised Ration Order 13 apply in determining whether the place where the item is produced is considered a "kitchen".)

(2) *How application is made.* Application under this paragraph shall be made to the Board on OPA Form R–315 personally by the consumer applying for the family unit. The applicant shall state:

(i) The number of pounds of "home processed foods", having a zero point value, he intends to produce from fruits and fruit juices.

(ii) The number of pounds of prepared fruit he intends to use in making jams, preserves and marmalades.

(iii) The number of pounds of prepared fruit (or pints of fruit juices) he intends to use in making jellies.

(iv) The number of pounds of prepared fruit (pulp) he intends to use in making fruit butter.

(v) The address at which the processing will be done.

(vi) The type of facilities to be used.

(vii) The number of pounds of sugar applied for.

(viii) The number of pounds of sugar he and the members of his family unit used in 1941 in producing these products. (If this figure is an estimate, he must so state and describe the method on which it is based.)

(ix) If any member of his family unit has obtained sugar under this section before March 1, 1944. Before the application may be granted, he must account for the "home processed" foods produced with such sugar by submitting either an inventory of such foods or a statement that he has made the reports and surrendered the points required by Revised Ration Order 13 for their transfer, or both.

(x) The amount of sugar, if any, he and members of his family unit have obtained after March 1, 1944 for making these products, and if so:

(*a*) The name of the member who applied;

(*b*) The address of the Board at which the application was filed; and

(*c*) The number of pounds of sugar so obtained.

(c) If an applicant applies for sugar under paragraphs (a) and (b) at the same time, he may file one Form R–315 covering the total amount of sugar he needs.

(d) *The amounts that may be obtained.* Sugar may be obtained and used at the rate of not more than

(1) One pound per 4 quarts or 8 pounds of finished home processed foods produced from fruits and fruit juices.

(2) One pound per pound of prepared fruit used for making jams, preserves and marmalades.

(3) One pound per 2 pounds of prepared fruit (or one pint of fruit juice) used for making jelly.

(4) One pound per 2 pounds of prepared fruit (pulp) used for making fruit butter.

However, the total amount of sugar which may be obtained by a family unit under this section for the period from March 1, 1944, to February 28, 1945, inclusive, shall not exceed two hundred fifty pounds, or the total amount of sugar used by the members of his family unit in 1941 for the purposes covered by this section, whichever is greater. In any event, the amount of sugar that he may obtain under this section to produce "home processed foods" having a zero point value and jams, jellies, preserves, marmalades, and fruit butters, may not exceed the amount he and the members of his family unit used in producing such items for sale or transfer in 1941.

(e) *When application may be made.* Applications under this section may be made at any time from March 1, 1944, to February 28, 1945, inclusive.

(f) *The Board may issue certificates.* If the Board finds that the facts stated in the application are true and if all sugar granted to the applicant or to a member of his family unit under this section before March 1, 1944, has been accounted for as provided in paragraph (a) (2) (v) or (b) (2) or (ix) it shall grant the application to the extent permitted under the provisions of this section and shall issue a certificate for the amount of sugar allowed.

(g) *The applicant must make reports and keep records.* The applicant shall make the reports and keep the records required of him by Revised Ration Order 13.

(h) *How sugar may be used and home processed foods transferred.* Sugar obtained under this section may be used only for the purposes for which it was granted and at a rate no higher than that permitted by paragraph (d). "Home processed foods" produced with such sugar may be delivered, sold or transferred only in accordance with the provisions of Revised Ration Order 13.

2. Section 1407.87 (d) is amended to read as follows:

(d) A provisional allowance of sugar may not be granted for producing "home processed foods" (as defined in section 26.1 of Revised Ration Order 13), or for producing jams, jellies, preserves, marmalades or fruit butters, in a "kitchen", or for processing, curing or packing meat to be delivered point free under section 3.3 of Revised Ration Order 16. (Sections 26.1 and 26.4 of Revised Ration Order 13 apply in determining whether the place where the item is produced is considered a "kitchen".)

3. Section 1407.89 (d) is amended to read as follows:

(d) A provisional allowance of sugar may not be used for producing "home processed foods" (as defined in section 26.1 of Revised Ration Order 13) or for producing jams, jellies, preserves, marmalades or fruit butters in a "kitchen", or for processing, curing or packing meat to be delivered point free under section 3.3 of Revised Ration Order 16. (Sections 26.1 and 26.4 of Revised Ration Order 13 apply in determining whether the place where the item is produced is considered a "kitchen").

This amendment shall become effective September 27, 1944.

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 1433, 1534, 2233, 2826, 3031, 3513, 3570, 3847, 3944, 4099, 4350, 4474, 4880, 5220, 5254, 5166, 5426, 5346.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; War Food Order No. 64, 8 F.R. 7093, 9 F.R. 4319)

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14919; Filed, Sept. 27, 1944; 11:37 a. m.]

PART 1427—MAGNESIUM

[MPR 314,[1] Amdt. 6]

MAGNESIUM AND MAGNESIUM ALLOY INGOT

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 314 is amended in the following respects:

1. Section 1427.51 (a) is amended to read as follows:

(a) (1) *Maximum base prices.* The maximum base prices for magnesium and magnesium alloy ingot shall be the following:

	Maximum base price (Cents per pound)
Magnesium ingot (commercially pure)	20.50
Selected magnesium crystals, crowns and muffs	[1] 23.50
Magnesium alloy ingot:	
Incendiary bomb alloy	23.40
50–50 magnesium-aluminum alloy	23.75
ASTM B93–41T:	
No. 2	23.00
No. 3	23.00
No. 4	23.00
No. 4x	25.00
No. 11	25.00
No. 12	23.00
No. 13	23.00
No. 13x	25.00
No. 14	23.00
No. 17	23.00
No. 17x	25.00
ASTM B107–41T or B90–41T:	
No. 8x	23.00
No. 18	23.50
No. 18x	25.00

[1] Shall include all packing, screening, barrelling, handling, and other preparation charges.

(2) *Maximum prices for sales or deliveries of magnesium alloys in standard ingot form not included in paragraph (a) (1).* (i) The maximum price for any grade of magnesium alloy ingot, other than a grade for which a maximum price is established in paragraph (a) (1) of this section, shall be a price in line with the prices established by paragraph (a) (1), shall be approved by the Office of Price Administration, and when once approved shall be the maximum price for all subsequent sales of such ingot by the seller to whom such price approval is given unless the Administrator thereafter specifically withdraws such approval.

(ii) On and after October 2, 1944, the seller of any such ingot shall report the first sale of such ingot made to the Office of Price Administration, Washington, D. C., within five days from the date thereof, stating (a) the name of the buyer, (b) the quantity sold, (c) the alloy content, including specific mention of any impurity limitations and physical specifications when relevant, (d) the proposed price in lots of 100 pounds or more, and (e) the cost breakdown, including metal cost, conversion cost and allowance for overhead.

(iii) Pending action by the Office of Price Administration on prices submitted for approval under this paragraph (a) (2), any such seller may sell or deliver and any person may buy, offer to buy or receive from such seller any such ingot at the price submitted for approval. If, however, the price submitted is disapproved the selling price shall be revised downward to the maximum price which shall be approved and any payment made in excess of the price so approved may be required to be refunded to the buyer within fifteen days after the date of the establishment of such revised price: *Provided,* That the price submitted by the seller for approval shall be deemed to be approved unless the Office of Price Administration specifically disapproves such price and establishes an approved price within fifteen days from the date on which the price submitted is received by the Office of Price Administration, or if further information is requested from the seller within such fifteen-day period, then within fifteen days from the date on which all such information is received by the Office of Price Administration. A price once approved shall thereafter be subject to adjustment (not to apply retroactively) by order issued by the Administrator.

2. A new § 1427.51 (d) is added to read as follows:

(d) *Sales for experimental or laboratory purposes.* The provisions of this Maximum Price Regulation No. 314, other than § 1427.56, shall not apply to the sale or delivery of any magnesium alloy ingot which is not listed in § 1427.51 (a) (1) when such alloy is sold in lots of less than 500 pounds for experimental or laboratory purposes. However, a duplicate invoice of every such sale shall be delivered by the seller to the Non-Ferrous Metals Branch of the Office of Price Administration, Washington, D. C., within five days after such sale or delivery.

This amendment shall become effective October 2, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14921; Filed, Sept. 27, 1944; 11:36 a. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9A,[1] Amdt. 15]

STOVES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 9A is amended in the following respects:

1. Section 2.2 is amended to read as follows:

SEC. 2.2 *Consumer orders.* (a) The manner in which a consumer's order may be placed and accepted is set forth in section 6.3 (a).

2. Section 6.3 (a) (2) is amended by substituting a comma for the period at the end of the first sentence and by adding the following phrase: "or unless the order comes within the conditions of subparagraph (4)."

3. Section 6.3 (a) (3) is amended by adding thereto the following sentence: "An order, unaccompanied by a certificate, for a stove which is not to be transferred until its transfer without a certificate is permitted by this ration order, may not be accepted by setting aside or ear-marking such stove."

4. Section 6.3 (a) (4) is added as follows:

(4) An offer or order for a stove by a dealer, distributor or manufacturer, not accompanied by a certificate, may be placed and accepted if it specifies that the stove is not to be transferred until its transfer without a certificate is permitted by this ration order.

5. Section 6.4 (a) is amended by substituting a comma for the period at the end of the first sentence and by adding the following phrase: "if the offer or order is accompanied by a certificate."

6. Section 6.4 (b) is amended by inserting the phrase "is accompanied by a certificate and" after the phrase "to acquire stoves" in the first sentence.

This amendment shall become effective on September 27, 1944.

Issued this 27th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14918; Filed, Sept. 27, 1944; 11:37 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165,[2] Supp. Service Reg. 37]

CONTRACT SERVICES RENDERED IN CONNECTION WITH HARVESTING AND BALING OF ALFALFA HAY AND FLAX STRAW IN THE IMPERIAL VALLEY AREA

The statement of considerations involved in the issuance of this Supplementary Service Regulation No. 37 has been

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1367, 2040, 2154, 7106, 10667, 17298; 9 F.R. 2568.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11564, 12749, 13060, 14049, 15254, 9 F.R. 92, 348, 803, 3234, 3946, 6952, 9017, 9359, 9721, 10493, 11000.

[2] 9 F.R. 7439, 9107, 9411, 11173.

filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Supplementary Service Regulation No. 37 is hereby issued.

§ 1499.2272 *Contract services rendered in connection with harvesting and baling of alfalfa hay and flax straw in the Imperial Valley area.* (a) Dollars and cents maximum prices established for certain contract services rendered in connection with harvesting and baling of alfalfa hay and flax straw in the Imperial Valley area.

(1) The maximum prices for contract services performed in connection with harvesting and baling of alfalfa hay and flax straw in the Imperial Valley area shall be the prices set forth in Table I below. These prices include all labor and equipment necessary for the performance of the contract. When any equipment or labor is furnished by the buyer the contractor must deduct from the applicable maximum price the reasonable value of the use of such labor or equipment. Each contractor must file the adjusted price with the San Diego District Office of the Office of Price Administration before performing such contract service.

TABLE I

ALFALFA HAY

Mowing:	*Per acre*
When performed in conjunction with baling	$0.75
When performed for grower who does own baling	0.85
Raking:	
When performed in conjunction with baling	1.00
When performed for grower who does own baling	1.15
Baling:	*Per ton*
From beginning of season until July 1	3.75
After July 1	4.00
Hauling and Piling:	*Per bale*
From beginning of season until June 1:	
(1) Where piling is not to exceed 9 bales high	0.08
(2) Where piling is in excess of 9 bales high, or into R. R. cars	0.09
After June 1:	
(1) Where piling is not to exceed 9 bales high	0.09
(2) Where piling is in excess of 9 bales high, or into R. R. cars	0.10

FLAX STRAW

	Per ton
Baling	4.75

(2) The Regional Administrator of Region VIII and the District Director of the San Diego District Office of the Office of Price Administration, are hereby authorized to approve, disapprove, or modify the adjusted prices filed pursuant to paragraph (a) (1) above. Such adjusted prices shall be the contractor's maximum prices five days after they are received for filing by the District Office unless within that time the contractor is advised that the prices have been disapproved or modified by the Regional Administrator or the District Director of the San Diego District Office. These prices are subject to revision or modification at any time by the OPA.

(3) Definitions as used in this supplementary service regulation:

"Imperial Valley area" means that area of Imperial County, California, bounded on the south by the International Boundary Line; on the east by the East High Line Canal to the point at which it intersects the main line of the Southern Pacific, four miles east of Niland; on the north by the main line (transcontinental route) of the Southern Pacific Station of Wister to Kane Springs on U. S. Highway No. 99, thence south to Plaster City on U. S. Highway No. 80, thence south to the International Boundary.

This Supplementary Service Regulation No. 37 shall become effective September 26, 1944.

Issued this 26th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14890; Filed, Sept. 26, 1944; 4:38 p. m.]

*Copies may be obtained from the Office of Price Administration.

Chapter XX—Office of Contract Settlement

[Gen. Reg. 3]

PART 8006—TERMINATIONS

SUBPART A—PRE-TERMINATION AGREEMENTS

SEPTEMBER 27, 1944.

Pursuant to the authority conferred upon me by section 4 (b), section 8 (c), and section 20 (d) of the Contract Settlement Act of 1944, the following policies, principles, methods, procedures, and standards relating to pre-termination agreements are prescribed for all contracting agencies:

§ 8006.1 *General policies.* Directive Order 2[1] of the Office of War Mobilization is amended by the addition of paragraph 5 as follows:

5. Any department or agency of the Government may embody in any contract a special agreement to pay the contractor, as fair compensation for the termination of the contract, amounts specified in the contract or to be readily computed according to specific methods, standards or bases appropriate to the particular contract and set out therein, in lieu of any other compensation therefor, whenever the department or agency determines (1) that the available data permits a reasonable forecast, consistent with sound commercial standards, of the factors involved in determining what will be fair compensation for termination in the case or class of cases and (2) that such agreement will substantially facilitate settlements, plant clearance, reconversion from war to civilian production or the efficient use of materials, manpower and facilities or will otherwise promote the objectives of the Contract Settlement Act of 1944. Such special agreements may be included in original contracts or may be inserted in contracts by amendment made before their termination; and, when so included or inserted, are hereby determined to provide a method for determining fair compensation for the termination of such contracts.

ROBERT H. HINCKLEY,
Director.

[F. R. Doc. 44-14938; Filed, Sept. 27, 1944; 1:03 p. m.]

[1] 9 F.R. 2251.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 222, Supp. 1]

PART 97—ROUTING OF TRAFFIC

ROUTING OF NON-TRANSIT GRAIN AND RELATED ARTICLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of September, A. D. 1944.

Upon recommendation of the ODT-ICC Grain and Grain Products Transportation Conservation Committee to the Office of Defense Transportation that certain routes now maintained in tariffs on non-transit carload shipments of grain, grain products, and related articles, also seeds described in Appendix A[1] attached hereto and made a part hereof, be closed because of the time consumed in transporting this traffic over such routes as compared with more direct routes, the Office of Defense Transportation recommends that this Commission take such action as it deems necessary; in the opinion of the Commission an emergency exists requiring immediate action to best promote the service in the interest of the public and the commerce of the people, it is ordered, that:

Routing of non-transit grain, grain products, and related articles, also seeds in carloads over certain routes prohibited. (a) No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, transport, or move, carload shipments of non-transit grain, grain products, and related articles, also seeds from and to the points and over the routes specified in Appendix A, attached hereto and made a part hereof, until further order of the Commission, but not for a longer period than the present war and six (6) months thereafter.

(b) *Application.* The provisions of this order shall not apply to any carload of non-transit grain, grain products, or related articles or seeds loaded for transportation or movement or being transported or moved from and to the points and over the routes specified in Appendix A prior to the effective date of this order.

[1] Filed as part of the original document.

(c) *Notice of prohibited routing.* Each railroad, or its agent, 5 days before the effective date of this order, shall publish, file, and post a supplement to each of its tariffs affected hereby, announcing the prohibition on routing specified in paragraph (a) of this section. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, that this order shall become effective at 12:01 a. m., October 20, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-14846; Filed, Sept. 26, 1944; 11:09 a. m.]

[S. O. 222, Supp. 2]

PART 97—ROUTING OF TRAFFIC

ROUTING OF NON-TRANSIT GRAIN AND RELATED ARTICLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of September, A. D. 1944.

Upon recommendation of the ODT-ICC Grain and Grain Products Transportation Conservation Committee to the Office of Defense Transportation that certain routes now maintained in tariffs on non-transit carload shipments of grain, grain products and related articles, also seeds described in Appendix A[1] attached hereto and made a part hereof, be closed because of the time consumed in transporting this traffic over such routes as compared with more direct routes, the Office of Defense Transportation recommends that this Commission take such action as it deems necessary; in the opinion of the Commission an emergency exists requiring immediate action to best promote the service in the interest of the public and the commerce of the people, it is ordered, that:

Routing of non-transit grain, grain products, and related articles, also seeds in carloads over certain routes prohibited. (a) No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, transport, or move, carload shipments of non-transit grain, grain products, and related articles, also seeds from and to the points and over the routes specified in Appendix A, attached hereto and made a part hereof, until further order of the Commission, but not for a longer period than the present war and six (6) months thereafter.

(b) *Application.* The provisions of this order shall not apply to any carload of non-transit grain, grain products, or related articles or seeds loaded for transportation or movement or being transported or moved from and to the points and over the routes specified in Appendix A prior to the effective date of this order.

(c) *Notice of prohibited routing.* Each railroad, or its agent, 5 days before the effective date of this order, shall publish, file, and post a supplement to each of its tariffs affected hereby, announcing the prohibition on routing specified in paragraph (a) of this section. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, that this order shall become effective at 12:01 a. m., October 20, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-14847; Filed, Sept. 26, 1944; 11:09 a. m.]

[S. O. 222, Supp. 3]

PART 97—ROUTING OF TRAFFIC

ROUTING OF NON-TRANSIT GRAIN AND RELATED ARTICLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22nd day of September, A. D. 1944.

Upon recommendation of the ODT-ICC Grain and Grain Products Transportation Conservation Committee to the Office of Defense Transportation that certain routes now maintained in tariffs on non-transit carload shipments of grain, grain products, and related articles, also seeds described in Appendix A[1] attached hereto and made a part hereof, be closed because of the time consumed in transporting this traffic over such routes as compared with more direct routes, the Office of Defense Transportation recommends that this Commission take such action as it deems necessary; in the opinion of the Commission an emergency exists requiring immediate action to best promote the service in the interest of the public and the commerce of the people, it is ordered, that:

Routing of non-transit grain, grain products, and related articles, also seeds in carloads over certain routes prohibited. (a) No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, transport, or move, carload shipments of non-transit grain, grain products, and related articles, also seeds from and to the points and over the routes specified in Appendix A, attached hereto and made a part hereof, until further order of the Commission, but not for a longer period than the present war and six (6) months thereafter.

(b) *Application.* The provisions of this order shall not apply to any carload of non-transit grain, grain products, or related articles or seeds loaded for transportation or movement or being transported or moved from and to the points and over the routes specified in Appendix A prior to the effective date of this order.

(c) *Notice of prohibited routing.* Each railroad, or its agent, 5 days before the effective date of this order, shall publish, file, and post a supplement to each of its tariffs affected hereby, announcing the prohibition on routing specified in paragraph (a) of this section. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, that this order shall become effective at 12:01 a. m., October 20, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-14848; Filed, Sept. 26, 1944; 11:09 a. m.]

[S. O. 222-Supp. 4]

PART 97—ROUTING OF TRAFFIC

ROUTING OF NON-TRANSIT GRAIN AND RELATED ARTICLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of September A. D. 1944.

Upon recommendation of the ODT-ICC Grain and Grain Products Transportation Conservation Committee to the Office of Defense Transportation that certain routes now maintained in tariffs on non-transit carload shipments of grain, grain products, and related articles, also seeds described in Appendix A attached hereto and made a part hereof, be closed because of the time consumed in transporting this traffic over such routes as compared with more direct routes, the Office of Defense Transportation recommends that this Commission take such action as it deems necessary; in the opinion of the Commission an emergency exists requiring immediate action to best promote the service in the interest of the public and

[1] Filed as part of the original document.

the commerce of the people, it is ordered, that,

Routing of non-transit grain, grain products, and related articles, also seeds in carloads over certain routes prohibited. (a) No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, transport, or move, carload shipments of non-transit grain, grain products, and related articles, also seeds from and to the points and over the routes specified in Appendix A, attached hereto and made a part hereof, until further order of the Commission, but not for a longer period than the present war and six (6) months thereafter.

(b) *Application.* The provisions of this order shall not apply to any carload of non-transit grain, grain products, or related articles or seeds loaded for transportation or movement or being transported or moved from and to the points and over the routes specified in Appendix A[1] prior to the effective date of this order.

(c) *Notice of prohibited routing.* Each railroad or its agent, 5 days before the effective date of this order, shall publish, file, and post a supplement to each of its tariffs affected hereby, announcing the prohibition on routing specified in paragraph (a) of this section. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, that this order shall become effective at 12:01 a. m., October 20, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-14929; Filed, Sept. 27, 1944; 11:39 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

CHARLES SHELDON ANTELOPE RANGE, NEV.

Under authority of section 84 of the act of March 4, 1909 (35 Stat. 1088; 18 U.S.C. 145), as amended, the following is ordered:

§ 21.154 *Hunting within the Charles Sheldon Antelope Range, Nevada.* Hunting for antelope with rifled firearms, except guns using .22-caliber rim fire ammunition, will be permitted on the Charles Sheldon Antelope Range during that part of the State's open season and to the extent prescribed and announced by the Director of the Fish and Wildlife Service in cooperation with the State Fish and Game Commission of Nevada. However, hunting will not be permitted on that portion of the range lying east of the trail passing Big Spring Reservoir to Hawks Valley and north of a line following the main east-west road through the range from its intersection with the Hawks Valley Trail to the road leading to the old CCC camp, the road to the old CCC camp, and a line due east from the camp to the east boundary of the range.

Entry on and use of the range for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F.R. 5284), and strict compliance therewith is required. In addition all hunters must comply with State hunting laws and regulations, and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations.

It should be noted that the hunting privileges granted herein do not apply to the Charles Sheldon Antelope Refuge.

OSCAR L. CHAPMAN,
Assistant Secretary.

SEPTEMBER 23, 1944.

[F. R. Doc. 44-14893; Filed, Sept. 27, 1944; 9:33 a. m.]

PART 23—SOUTHWESTERN REGION NATIONAL WILDLIFE REFUGES

CARLSBAD NATIONAL WILDLIFE REFUGE, N. MEX.

Under authority of section 84 of the act of March 4, 1909 (35 Stat. 1088), as amended, the following is ordered:

§ 23.141 *Hunting within the Carlsbad National Wildlife Refuge, New Mexico.* The hunting of migratory waterfowl will be permitted in accordance with regulations under the Migratory Bird Treaty Act within that portion of the MacMillan Reservoir in the Carlsbad National Wildlife Refuge, New Mexico, lying south of the township line between T. 18 and 19 S., R. 26 and 27 E., New Mexico Meridian.

Entry on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F.R. 5284), and strict compliance therewith is required. Not to exceed two hunting dogs may be used by each hunter but such dogs shall not be permitted to run unattended on the refuge.

Hunters shall follow such routes of travel within the refuge as are designated by posting. In addition, all hunters must comply with State hunting laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations.

OSCAR L. CHAPMAN,
Assistant Secretary.

SEPTEMBER 23, 1944.

[F. R. Doc. 44-14895; Filed, Sept. 27, 1944; 9:33 a. m.]

PART 23—SOUTHWESTERN REGION NATIONAL WILDLIFE REFUGES

SALT RIVER NATIONAL WILDLIFE REFUGE, ARIZ.

Under authority of section 84 of the act of March 4, 1909 (35 Stat. 1088), as amended, the following is ordered:

§ 23.798 *Hunting within the Salt River National Wildlife Refuge, Arizona.* The hunting of migratory waterfowl will be permitted in accordance with regulations under the Migratory Bird Treaty Act within that portion of the Salt River National Wildlife Refuge, Arizona, lying east of a line extending from the Roosevelt boat landing, northeast and north through sections 21, 16, and 9, R. 12 E., T. 4 N., as posted.

Entry on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F.R. 5284), and strict compliance therewith is required. Not to exceed two hunting dogs may be used by each hunter but such dogs shall not be permitted to run unattended on the refuge.

Hunters shall follow such routes of travel within the refuge as are designated by posting. In addition, all hunters must comply with the State hunting laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations.

OSCAR L. CHAPMAN,
Assistant Secretary.

SEPTEMBER 23, 1944.

[F. R. Doc. 44-14894; Filed, Sept. 27, 1944; 9:33 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Internal Revenue.

EXCESS PROFITS TAX

RELIEF BECAUSE OF INADEQUATE EXCESS PROFITS CREDIT

Subchapter E of Chapter 2 of the Internal Revenue Code imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter, excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive tax burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 722 (g) the following lists, containing the cases arranged alphabetically by internal revenue districts, show the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before al-

[1] Filed as part of the original document.

lowance of relief, increase in excess profits credit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase in income tax. No allowances under section 722 have been made by The Tax Court of the United States as of June 30, 1943.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amounts of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after the allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain of the items, as displayed in their respective column headings of the lists, and the data evolved, follow:

Business in which engaged, column 2. The business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved, therefore, it does not necessarily correspond with the business during the base period. In those instances where the return for the year involved failed to disclose the nature of business, information from other sources was utilized. Moreover, since the nature of business shown usually represents a general description of the predominant business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

Excess profits credit before allowance of relief, column 4. The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or capital.

Increase in the amount of excess profits credit claimed by taxpayer, column 5. The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

Increase in the amount of excess profits credit allowed, column 6. The increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

Gross reduction in the excess profits tax, column 7; gross increase in the income tax, column 8. The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the differences between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief had been granted. The gross excess profits tax is the tax due prior to the deferment under section 710 (a) (5), the foreign tax credit under section 729, the credit for debt retirement under section 783, and the adjustment under section 734. The gross income tax is the tax due prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increases attributable to section 722 in the unused excess profits credit carried forward from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent taxable years to the extent that claims with respect to carrybacks and with respect to section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a comparison of the relationship of these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variation of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount by which 80 percent of net income exceeds the income tax, applicable to certain taxable years, and (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE

FISCAL YEAR ENDED JUNE 30, 1943

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of Section 722	Gross increase in the income (chapter 1) tax resulting from the operation of Section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
GEORGIA							
Thompson, Weinman & Co., Inc., Cartersville, Ga.	Mining and grinding limestone-talc-marble and barytes fillers.	12-31-1940	$123,344.03	$37,033.83	$27,027.73	$4,044.79	None
8TH DISTRICT ILLINOIS							
Kuehne Manufacturing Co., Matton, Ill.	Furniture manufacture	12-31-1940	33,033.03	32,723.32	21,913.23	5,321.05	None
National Radio Personalities, Inc., 200 Alliance Bldg., Peoria, Ill.	Selling radio advertising and publishing radio station booklets.	12-31-1940	1,355.21	9,170.03	9,170.03	813.23	None
Nokomis Coal Co., Nokomis, Ill.	Coal mining	6-30-1941	61,103.03	45,035.43	26,770.72	3,921.05	None
INDIANA							
South Bend Tribune, 225 West Colfax Ave., South Bend, Ind.	Publishing newspaper	12-31-1940	101,423.25	62,040.03	70,497.03	18,713.24	None
THIRD DISTRICT OF NEW YORK							
Riddell Petroleum Corporation, 30 Rockefeller Plaza, New York, N. Y.	Petroleum	12-31-1940	14,000.00	68,805.83	68,805.83	8,752.62	None
TWENTY-FIRST DISTRICT OF NEW YORK							
The Herald Co., 220 Herald Pl., Syracuse, N. Y.	Newspaper publishers	12-31-1940	110,033.83	214,332.01	123,199.42	68,500.62	None
NORTH CAROLINA							
Ecusta Paper Corporation, Pisgah Forest, N. C.	Manufactures cigarette paper	12-31-1940	276,820.24	170,070.00	170,070.00	21,035.37	None
Hugh Grey Hosiery Co., 266 Ann St., Concord, N. C.	Hosiery manufacture	12-31-1940	61,800.47	49,023.21	33,824.71	6,351.03	None
OKLAHOMA							
Liberty Glass Co., Sapulpa, Okla.	Glass manufacture	12-31-1940	61,052.03	102,757.73	67,813.00	9,033.25	None

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1942—continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of Section 722	Gross increase in the income (chapter 1) tax resulting from the operation of Section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
TWELFTH DISTRICT OF PENNSYLVANIA							
Central Pennsylvania Quarry Stripping & Construction Co., Hazleton, Pa.	Contractor (anthracite coal stripping, etc.).	12-31-1940	$103,996.94	$16,311.42	$12,503.32	$2,403.03	None
VIRGINIA							
Wytheville Knitting Mills, Inc., Wytheville, Va.	Full-fashioned hosiery mill	12-31-1940	37,515.08	86,321.38	92,222.98	12,163.40	None
WISCONSIN							
The Kempsmith Machine Co., 1819 South 71st St., West Allis, Wis.	Milling machines and replacement parts, general jobbing, etc.	12-31-1940	1,911.13	27,893.07	3,044.17	1,039.42	None

FISCAL YEAR ENDED JUNE 30, 1943

ARKANSAS							
Harding Glass Co., Fort Smith, Ark.	Manufacturing of flat drawn window glass.	12-31-1940	$68,665.35	$74,721.62	$58,155.25	$17,098.17	None
FIRST DISTRICT OF CALIFORNIA							
F. A. B. Manufacturing Co., Inc., 1249 67th St., Oakland, Calif.	Manufacturing—automotive transportation equipment.	12-31-1940	15,033.33	8,255.70	6,004.90	1,052.33	None
James A. Gray, Inc., Ferry Bldg., San Francisco, Calif.	Bridge terminal, lunch counter, newsstand drug store, etc.	12-31-1940	4,214.17	10,081.64	3,850.42	764.61	None
SIXTH DISTRICT OF CALIFORNIA							
Harvill Aircraft Die Castings Corporation (now Harvill Corporation), 6251 West Century Blvd., Los Angeles, Calif.	Manufactures die castings and die machines.	1-1-1940 to 10-31-1940	38,520.94	19,664.09	11,727.06	2,931.77	None
Nesbitt Fruit Products, Inc., 2946 East 11th St., Los Angeles, Calif.	Manufacturing citrus fruit juices and soda fountain syrups.	12-31-1940	70,189.71	64,830.34	14,774.18	4,587.18	None
		12-31-1941	85,558.32	64,830.33	15,837.94	7,691.42	$2,447.23
Schumacher Wallboard Corporation, South Gate, Calif.	Manufacture plaster wallboard	4-30-1941	154,799.00	53,233.73	23,558.13	3,848.22	None
Louis Tabak, Inc., 860 South Los Angeles St., Los Angeles, Calif.	Womens sportwear manufacturer	10-31-1941	1,169.13	10,925.55	2,991.70	526.40	None
GEORGIA							
Colonia Baking Co. of Columbus, Columbus, Ga.	Baking	12-31-1941	9,521.57	15,154.65	10,276.14	4,110.45	1,497.31
Dixie Asphalt Products Corporation, Savannah, Ga.	Asphalt shingle, and roll roofing manufacturers.	12-31-1940	20,533.32	9,076.47	9,704.23	1,615.81	None
		12-31-1941	24,637.21	12,654.32	12,693.19	3,774.79	1,170.18
FIRST DISTRICT OF ILLINOIS							
Apex Railway Products Co., 310 South Michigan Ave., Chicago, Ill.	Manufacture and sale of railway appliances.	12-31-1940	8,198.31	70,179.05	34,919.10	12,498.80	None
Standard Process Corporation, 734 Lexington St., Chicago, Ill.	Rotogravure process	12-31-1941	36,732.77	24,216.91	23,543.60	10,215.82	3,160.90
Standard Silica Corporation, Ottawa, Ill.	Mining and quarrying silica sand	12-31-1941	61,454.05	16,223.21	13,661.90	6,830.95	2,117.60
The Wheeler Corporation, 308 West Washington St., Chicago, Ill.	Cheese processing	12-31-1940	44,989.71	38,411.88	10,531.59	4,031.52	None
		12-31-1941	59,707.00	18,293.17	18,293.17	10,360.99	3,213.77
EIGHTH DISTRICT OF ILLINOIS							
Mississippi Lime Co. of Missouri, Alton, Ill.	Lime producers	12-31-1941	175,257.58	50,848.37	50,848.37	17,464.71	5,414.06
LOUISIANA							
Bayou State Oil Corporation, Shreveport, La.	Petroleum producers and refiners	4-30-1942	60,290.06	18,087.89	13,830.78	6,223.85	1,929.39
MARYLAND							
The Baltimore Transfer Co., Baltimore, Md.	Class 1, motor carrier of freight	12-31-1941	62,679.25	46,853.20	24,766.73	10,225.61	3,169.94
Regal Laundry, Inc., Gilmor and Mosher Sts., Baltimore, Md.	Laundry	12-31-1941	49,866.54	22,786.64	13,473.37	6,003.01	1,870.44
MASSACHUSETTS							
Atlantic Steel & Iron Co., Springfield, Mass.	Manufacture hydraulic compressed bundle and scrap steel.	12-31-1941	5,651.76	10,164.60	11,063.37	6,116.11	1,897.12
Fred M. Blanchard, Inc., 222 Summer St., Boston, Mass.	Wool brokers, dealers, and top makers.	8-31-1941	25,604.49	70,730.07	50,855.51	16,949.56	None
Byfield Felting Co., 217 Jackson St., Lowell, Mass.	Manufacturers of hair and wool sheet felt and wheels.	12-31-1940	3,929.84	33,286.41	15,735.45	1,295.11	None
		12-31-1941	3,920.00	33,296.25	18,532.48	9,139.35	4,021.32
Stanley Home Products, Inc., 42 Arnold St., Westfield, Mass.	Manufacture brushes and liquid polishes.	12-31-1940	32,245.27	9,408.74	9,408.74	1,176.76	None
MICHIGAN							
Detroit Surfacing Machine Co., 7433 West Davidson Ave., Detroit, Mich.	Manufacture and sale of electric sanding machines.	12-31-1941	1,614.49	37,937.92	26,348.47	8,123.08	2,874.01
MINNESOTA							
Stainless & Steel Products Co., 1000 Berry Ave., St. Paul, Minn.	Manufacture of steel and stainless products.	12-31-1940	4,948.62	10,177.57	5,108.32	232.58	None

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1942—continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of Section 722	Gross increase in the income (chapter 1) tax resulting from the operation of Section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
FIRST DISTRICT OF NEW YORK							
Paper Novelty Manufacturing Co., 505 Carroll St. Brooklyn, N. Y.	Paper novelties	2-28-1941	$20,551.76	$30,811.47	$12,661.09	$2,553.89	None
SECOND DISTRICT OF NEW YORK							
Lamar Slide Fastener Corporation, 120 East 16th St., New York, N. Y.	Manufacture of zippers	12-31-1940	4,697.52	25,629.78	23,994.55	2,629.26	None
THIRD DISTRICT OF NEW YORK							
Livingston & Co., 420 Lexington Ave., New York, N. Y.	Electrical contractors	12-31-1941	33,003.21	80,233.09	87,577.01	15,970.67	$4,950.91
Pitman and Dreitzer & Co., Inc., 1107 Broadway, New York, N. Y.	Wholesale glassware—fancy goods	12-31-1941	7,891.71	11,704.48	11,704.48	5,297.01	1,632.76
Julius Schmid, Inc., 423 West 55th St., New York, N. Y.	Manufacture druggists sundries	12-31-1940	45,359.44	95,934.26	77,452.05	10,335.75	None
NORTH CAROLINA							
Standard Hosiery Mills, Inc., Burlington, N. C.	Hosiery manufacturing	10-31-1941	145,693.32	23,693.39	14,243.07	5,699.23	None
1ST DISTRICT OF OHIO							
The Bradford Machine Tool Co., Cincinnati, Ohio.	Metal-working machinery including machine tools.	12-31-1940	11,010.92	97,222.07	76,809.13	35,476.83	None
10TH DISTRICT OF OHIO							
Underwriters Service Co., 749 Edison Bldg., Toledo, Ohio.	Safety engineering and claim service	12-31-1940	81.70	22,160.62	21,823.82	2,642.04	None
18TH DISTRICT OF OHIO							
The Alliance Manufacturing Co., Alliance, Ohio.	Electric specialties and hardware	12-31-1940	10,033.07	5,670.93	5,670.93	1,703.93	None
		12-31-1941	23,849.05	17,491.47	17,491.47	8,770.74	2,697.24
The Jupiter Steaship Co., Cleveland, Ohio	Marine transportation	12-31-1941	0,769.00	19,371.23	12,713.23	7,835.31	2,444.45
The Merit Machine Tool & Container Co., 3860 East 91st St., Cleveland, Ohio.	Pail manufacturing	12-31-1941	4,752.49	11,231.34	2,672.65	930.75	225.67
OKLAHOMA							
Noble Drilling Co., 209 Stanolind Bldg., Tulsa, Okla.	Contract drilling	11-30-1941	190,037.30	470,393.73	290,005.30	17,003.30	None
OREGON							
Crater Lake Box & Lumber Co., Sprague River, Oreg.	Manufacture of pine lumber and box shook.	12-31-1941	19,803.20	62,318.21	None	2,433.43	734.39
R. M. Wade & Co., Tractor Sales Division, Portland, Oreg.	Tractor and accessory sales and service	12-31-1940	0,774.20	33,107.16	7,143.32	1,767.33	None
TWELFTH DISTRICT OF PENNSYLVANIA							
Central Pennsylvania Quarry Stripping & Construction Co.,[1] Hazleton, Pa.	Contractors (anthracite coal stripping, etc.).	12-31-1940	110,600.23	None	None	1,963.13	None
		12-31-1941	123,419.76	15,423.20	15,423.20	7,718.10	2,891.82
Wilkes-Barre Publishing Co., 15 North Main Street, Wilkes-Barre, Pa.	Newspaper publishers	2-28-1941	63,625.63	145,273.90	120,257.79	24,702.53	None
FIRST DISTRICT OF TEXAS							
Process Oil Co., Littlefield Bldg., Austin Tex.	Oil (natural gasoline manufacturers)	1- 1 -1940 to 10-31-1940	1,203.57	11,184.06	11,184.06	2,706.02	None
		10-31-1941	3,037.00	9,412.74	9,412.74	2,709.23	None
SECOND DISTRICT OF TEXAS							
Oklahoma Contracting Co. of Texas, 1515 Magnolia Bldg., Dallas, Tex.	Pipeline construction	12-31-1940	0,873.23	103,000.34	61,743.41	19,167.96	5,942.06
Portland Gasoline Co., P. O. Box 2142, Pampa, Tex.	Extraction of casing-head gasoline and related products from natural gas.	12-31-1940	22,763.45	10,870.81	0,714.23	615.81	None
		12-31-1941	27,322.70	12,337.06	8,433.94	3,333.78	1,049.89
VERMONT							
E. B. & A. C. Whiting Co., Burlington, Vt.	Manufacture of and dealers in brush fibres and tuntex pads.	6-31-1941	145,321.85	04,818.17	04,818.17	23,927.27	None
VIRGINIA							
K. C. Arey & Co., Inc., Danville, Va.	Wine bottlers and distributors	8-31-1941	8,223.54	1,220.57	1,220.57	193.27	None
Norfolk Shipbuilding & Dry Dock Corporation, Claiborne Ave., Norfolk, Va.	Ship repairers	12-31-1940	03,193.17	01,718.00	8,078.13	3,220.06	None
WASHINGTON							
Stebco, Inc., Vancouver, Wash.	Saw and planing mill, logging	7-31-1941	41,800.03	45,833.53	8,520.73	2,932.25	None
WISCONSIN							
Hoberg Paper Mills, Inc., 800 Elm St., Green Bay, Wis.	Manufacture of paper products	12-31-1940	103,574.03	03,015.03	03,765.03	14,332.02	None

[1] Refer to compilation of excess profits tax relief for fiscal year ended June 30, 1942, for statement of relief previously allowed for taxable year ended December 31, 1940.

[SEAL]

HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

[F. R. Doc. 44-14865; Filed, Sept. 26, 1944; 11:50 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 858]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 16, 1944.

I hereby amend:

(a) Administrative Order No. 853, dated August 21, 1944, by reducing the allocation of $250,000 therein made for "Missouri 5023C3 Lewis" by $10,000, so that the reduced allocation shall be $240,000.

HARRY SLATTERY,
Administrator.

[F. R. Doc. 44-14887; Filed, Sept. 26, 1944; 3:22 p. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD-34]

ATLAS SUPPLY CO., ET AL.

FINDING AS TO CONTRACTS IN PROSECUTION OF WAR

In the matter of Atlas Supply Company, et al., Cincinnati, Ohio (Case No. S-1284).

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER, August 14, 1943, and

Having been advised of the existence of a labor dispute involving Local No. 100 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, and certain concerns engaged in transportation activities in and around Cincinnati, Ohio,

I find, as to the concerns involved in the above labor dispute with Local 100 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, that transportation of goods, articles and commodities, except retail deliveries thereof, by any such concern, pursuant to any contract, whether or not with the United States, to or from any plant, mine or facility equipped for manufacturing, producing or mining articles or materials which may be required or useful in connection with the prosecution of the war, or to or from any establishment engaged in wholesaling or storing any such articles or materials, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 26th day of September 1944.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44-14932; Filed, Sept. 27, 1944; 11:44 a. m.]

BUREAU OF THE BUDGET.

DISPOSITION OF THE FUNCTIONS OF THE DIVISION OF CENTRAL ADMINISTRATIVE SERVICES OF THE OFFICE FOR EMERGENCY MANAGEMENT

SEPTEMBER 26, 1944.

Pursuant to the authority conferred upon me as Director of the Bureau of the Budget by the provisions of Executive Order No. 9471, of August 25, 1944, I hereby make administrative determinations with respect to the disposition to be made of the functions now performed by the Division of Central Administrative Services of the Office for Emergency Management (hereinafter referred to as the Division) for the respective constituent agencies of the Office for Emergency Management and for the Office of Price Administration, and order the transfer or other disposition of such functions as follows:

1. *Fiscal services.* The fiscal services, including accounting, payrolling, auditing, scheduling, certifying, and reporting, related to appropriations made for the fiscal years 1944 and 1945, are transferred to the respective constituent agencies, effective as of the close of business October 31, 1944.

2. *Duplicating services.* The duplicating services financed from the "Working Capital Fund, Division of Central Administrative Services, Office for Emergency Management" (Pub. Law 139, 78th Congress) are transferred to the Procurement Division of the Treasury Department, effective as of the close of business September 30, 1944, together with such working capital fund and all assets and liabilities related to said fund. The Procurement Division shall (a) continue operation of such services in the District of Columbia, all regional offices, and the Detroit, Minneapolis, Seattle, and Los Angeles district offices, (b) furnish such services to the respective constituent agencies in accordance with the operating policies and agreements now in effect except that it may adjust such policies and agreements to the extent it may find necessary in the public interest, and (c) discontinue such services in all other district offices of the Division, effective as of September 30, 1944. After the discontinuation of services under item (c) of this paragraph, services in lieu thereof shall be furnished by the nearest or most conveniently accessible office retained in operation under the Procurement Division, or furnished by the agencies themselves under arrangements made with the Procurement Division.

3. *Distribution services.* The services with respect to storing and distributing printed and duplicated materials in the District of Columbia and in the field are transferred to the respective constituent agencies, effective as of the close of business September 30, 1944, except that the Procurement Division shall, upon request of the ordering agency, dispatch by mail or otherwise any such materials reproduced by its facilities, immediately after reproduction, to recipients indicated by such agency, in which event the Procurement Division shall promptly forward to the ordering agency any of such materials remaining after such initial dispatching. The services transferred by this paragraph shall be deemed to include addressograph and graphotype services in connection with mailing lists, including the cutting, maintenance, and reproduction thereof. From and after June 30, 1945, the services provided constituent agencies by the Procurement Division pursuant to this paragraph shall be financed in the first instance from the working capital fund referred to in paragraph 2 hereof, subject to subsequent collection of charges from the agencies concerned for the purpose of reimbursing such working capital fund.

4. *Communications and space services.* The communications services in the District of Columbia and in the field, and the services with respect to securing, assigning, and maintaining office and other space for the constituent agencies in the field (including the execution and clearance of contracts for building alterations and maintenance, and the execution of public utility contracts) are transferred to the Public Buildings Administration of the Federal Works Agency, effective as of the close of business September 30, 1944. The Public Buildings Administration shall administer such services consistent with the operating policies and agreements now in effect, except that the Administration may adjust existing arrangements with respect to communications and space to the extent it may find necessary in the public interest. The agencies concerned shall, upon the request of the Public Buildings Administration, make funds available to the Administration three months in advance for expenses for communications, rental of space, and utility contracts, in accordance with the liabilities involved in existing contracts. Such of the rental liabilities of the agencies concerned as will not be liquidated from funds so advanced shall be liquidated by the Public Buildings Administration from funds earmarked in Schedule B, attached, for such purpose.

5. *Purchase and supply services.* (a) The warehousing and stores issue services now performed in the regional offices and the Minneapolis, Detroit, Seattle and Los Angeles district offices of the Division are transferred to the Procurement Division of the Treasury Department, effective as of the close of business September 30, 1944, except in the Philadelphia and Cleveland regional offices and the Detroit district office where the transfer shall take place as of the close of business October 15, 1944.

(b) Effective as of the respective effective dates of transfer named in subparagraph (a) above, services with respect to the ordering of materials, supplies, and equipment are transferred to

the respective constituent agencies. Such agencies shall order all necessary items in the manner prescribed by law or regulations governing Federal procurement, and shall utilize the following sources of supply in the sequence stated:

1. *Items carried in stock by the Procurement Division.* General office supplies and equipment and other items listed in the Procurement Division stock catalogues shall be ordered from the nearest Procurement Division supply facility. The Procurement Division shall issue material without surcharge or mark up to the agencies now served by the Division, including the Office of Price Administration, through June 30, 1945, after which surcharges currently in effect may be added: *Provided,* That surcharges may be added to issues made prior to June 30, 1945, from Procurement Division supply facilities located in the District of Columbia and in New York City.

2. *General schedule of supplies.* The constituent agencies shall order directly from contractors any items included in the general schedule of supplies which are not included in the Procurement Division stock catalogues referred to in item (1) above.

3. *General Government contracts.* The constituent agencies shall order directly from the contractors items included in applicable general government contracts but not procurable from the sources indicated in items (1) and (2) above.

4. *Open market purchases.* The constituent agencies may, when the amount of individual purchase does not exceed $200 in value, procure in the open market any items which are not procurable from the sources indicated in items 1, 2, and 3 above, or which may be procured in the open market at a price lower than that applicable to such sources, or which are required to meet emergency or unforeseen circumstances. Items in excess of $200 in value not procurable from the sources indicated in items 1, 2, and 3 above, shall be ordered through the Procurement Division, except that the Office of War Information, the Office of Coordinator of Inter-American Affairs, and the Office of Scientific Research and Development may procure in the open market or by contract such special and technical items as they may require regardless of the dollar value of such items. The constitutent agencies may elect to order items of less than $200 in value through the Procurement Division.

(c) The duty of executing all contracts for continuing services for the constituent agencies is transferred to the Procurement Division, except contracts relating to space, communications, and other utilities, which contracts shall be executed by the Public Buildings Administration.

(d) The open market and contract purchases made by the Procurement Division for the constituent agencies pursuant to paragraph (5) of this order shall be made without a surcharge through June 30, 1945, after which date the normal surcharge then in effect shall be added: *Provided,* That such surcharges may be added to purchases made prior to June 30, 1945, through the Procurement Offices located in the District of Columbia, New York City, Kansas City, Fort Worth, and San Francisco.

6. *Library services.* The library services in the District of Columbia are transferred to the War Production Board effective as of the close of business September 30, 1944. The War Production Board shall maintain such services for its own purposes and for the use of the Office of Civilian Defense and the National War Labor Board; in other respects such services are discontinued effective as of September 30, 1944.

7. *Conference reporting services.* The conference reporting services in the District of Columbia are transferred to the National War Labor Board, the War Manpower Commission, and the War Production Board, effective as of the close of business September 30, 1944. The services so transferred shall be maintained by the said transferee agencies for their own respective purposes, and in other respects the conference reporting services of the Division are discontinued, effective as of September 30, 1944.

8. *Health services.* The health services heretofore maintained for the Duplicating and Distribution Division in the District of Columbia are transferred to the Procurement Division of the Treasury Department, effective as of September 30, 1944. The health services in the field are transferred, effective as of September 30, 1944, as follows: (a) to the War Production Board in the case of the New York City, Cleveland, and San Francisco regional offices and the Los Angeles district office, (b) to the National War Labor Board in the case of the Philadelphia regional office (Stephen-Girard Building), and (c) to the Office of Price Administration in the case of the Boston, Philadelphia (Broad Street Station Building), Atlanta, Chicago, Dallas, and Denver regional offices and the Seattle district office. Such services shall be maintained for the purposes of the Duplicating and Distribution Division and of the transferee agencies in the field. The health services not transferred by this paragraph shall be discontinued as the need ceases to exist, but in no event later than November 30, 1944.

9. *Mail and messenger services.* The mail and messenger services in the District of Columbia, regional, and district offices of the Division are discontinued as of the close of business September 30, 1944. In the District of Columbia, so much of such services as comes within the provisions of Executive Order No. 8427 of June 3, 1940, shall be provided by the Post Office Department, subject to the provisions of said Executive order. In the field, the hauling of mail to and from the city post office shall be performed under arrangements made with the local postmaster by the respective agencies.

10. *Automotive services.* The automotive storage, repair, and maintenance services in the District of Columbia are transferred to the Federal Works Agency, effective as of the close of business September 30, 1944. Thereafter the Federal Works Agency shall furnish the respective constituent agencies such services on a reimbursable basis.

11. *Truck and labor services.* The truck and labor services in the District of Columbia are transferred, effective as of the close of business September 30, 1944, to the respective constituent agencies, the Procurement Division of the Treasury Department, and the Public Buildings Administration of the Federal Works Agency. Thereafter such of the constituent agencies as have not heretofore operated their own trucking and labor services in connection with the moving of office furniture and equipment in the District of Columbia shall secure from the Public Buildings Administration the trucking and labor services required therefor, in accordance with policies of the Buildings Administration. In the field, the constituent agencies shall continue to procure trucking service by contract.

12. *Automobile and chauffeur services.* The automobile and chauffeur services in the District of Columbia are transferred to the respective constituent agencies and the Smaller War Plants Corporation, effective as of the close of business September 30, 1944.

13. *Services in the Territories.* The services performed in the territories of Puerto Rico and Hawaii are transferred to the Office of Price Administration, effective as of the close of business September 30, 1944. The said Office shall thereafter furnish the respective constituent agencies such services.

14. *Liquidation of residual affairs.* Effective as of the close of business November 30, 1944, the Division is terminated and abolished and such of its affairs as are not otherwise transferred or disposed of by this order are transferred to the Bureau of Accounts, Treasury Department, for final liquidation. In order to effectuate such liquidation promptly, the Bureau of Accounts, under the general supervision and direction of the Secretary of the Treasury, and acting through the Commissioner of accounts and such personnel as is transferred to the said Bureau by this order, or through such other personnel of the Bureau of Accounts as the Commissioner may designate, shall (a) take custody of all remaining records and property of the Division, and upon completion of their use shall dispose of them in accordance with current governing regulations, (b) process payment vouchers, certify claims, clear General Accounting Office exceptions and disallowances, account for and dispose of all special deposits, and keep all required fiscal records and reports, (c) exercise all residual rights, responsibilities, and authorities heretofore vested in the Division (and not specifically excluded by the provisions of the aforesaid Executive Order No. 9471), and (d) take all other steps necessary to wind up the affairs transferred by this paragraph. All unexpended balances of the appropriations of the Division remaining as of the close of business November 30, 1944, and not otherwise transferred by this order, are transferred to the Bureau of Accounts, Treasury Department, as of said date. Such balances shall be available

for the payment of all outstanding liabilities of the Division and for the expenses incident to the liquidation of the affairs of the Division during the fiscal year 1945.

15. *Authority, records and property.* All functions, powers, and duties of the Division, including those of the Director of the Division, and all the records, property, and facilities of the Division, pertaining to the respective services and affairs transferred by the above paragraphs (including in appropriate cases fiscal and other services directly incidental to the services and affairs so transferred, any other paragraph of this order notwithstanding), are, to the extent they so pertain, transferred to and vested in the respective agencies to which such services and affairs are so transferred, as of the respective effective dates of such transfers. The automotive equipment of the Division heretofore utilized in connection with the services transferred by paragraphs 11 and 12 of this order is transferred to the agencies to which services are so transferred, as set forth in Schedule C[1] attached to this order, effective as of September 30, 1944.

16. *Personnel.* Effective as of the respective effective dates of transfers of services and affairs to the respective agencies, except in the case of the transfer of personnel to the Office of Price Administration in Hawaii and Puerto Rico which shall be effective as of September 30, 1944, the personnel of the Division are transferred to the respective agencies to which services and affairs are transferred by the above paragraphs as set forth in Schedule A[1] attached to this order. In the event that the status of any employee named in Schedule A changes so that he is unavailable for transfer in conformity with Schedule A the Director of the Division may substitute the name of another employee at the time of the transfer and shall report any such substitution to the receiving agency, the Civil Service Commission, and the Bureau of the Budget.

17. *Funds.* Funds of the Division available for the services transferred to the respective agencies by this order (other than the funds specifically transferred by paragraphs 2 and 14 hereof) are transferred to the respective agencies to which services are so transferred, as set forth in Schedule B[1] attached to this order. Such funds shall be used for the payment of obligations incurred by the transferee agencies subsequent to the respective effective dates of transfers of services.

18. *Schedules.* Schedules A, B, and C, attached to this order are hereby made a part of this order.

19. *Detail of personnel.* Any of the personnel transferred to constituent or other agencies by the provisions of this order may, if their services are required on a part time basis by the Division to complete its activities, be detailed to the Division on a non-reimbursable basis, for which purpose the provisions of Bureau of the Budget Circular A-32, dated July 1, 1944, are waived.

[1] Filed as part of the original document.

20. *Definitions.* The term "constituent agencies," as used in the enumerated paragraphs of this order, shall, except where the context otherwise requires, be deemed to include the following agencies in the Office for Emergency Management, and also the Office of Price Administration: the Office of War Mobilization, the Office of Economic Stabilization, the War Manpower Commission, the Office of War Information, the War Production Board, the Office of Defense Transportation, the Office of the Coordinator of Inter-American Affairs, the Foreign Economic Administration, the Office of Civilian Defense, the Committee on Fair Employment Practice, the National War Labor Board, and the Office of Scientific Research and Development. The phrase "in the District of Columbia" shall be deemed to include areas in the vicinity of the District of Columbia.

HAROLD D. SMITH,
Director.

[F. R. Doc. 44-14891 Filed, Sept. 27, 1944; 9:12 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 651, et al.]

KANSAS CITY—TULSA—NEW ORLEANS SERVICE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Mid-Continent Airlines, Inc., Delta Air Corporation and National Airlines, Inc., for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938 as amended, particularly sections 401 and 1001 of said Act, that oral argument in the above-entitled proceeding is assigned to be held on October 9, 1944, at 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated Washington, D. C., September 25, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-14915; Filed, Sept. 27, 1944; 11:24 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6651]

ALLOCATION OF FREQUENCIES TO NON-GOVERNMENTAL SERVICES

NOTICE OF HEARING

In the matter of allocation of frequencies to the various classes of non-governmental services in the radio spectrum from 10 kilocycles to 30,000,000 kilocycles.

There is set forth below a corrected schedule of the order in which the Commission will receive evidence concerning the various services.

As is set forth in the Commission Public Notice Mimeograph No. 77820 (9 F.R. 11653), the hearings will open on September 28, 1944, at 10:30 a. m. at the Interdepartmental Auditorium. The subject matter for the first three days of the hearing, September 28, 29 and 30, is set forth in the earlier public notice.

The Commission will then proceed to consider the various services in the order listed below:

ORDER OF SERVICES

Topic No.	Services	Estimated Date
	GROUP I	
8	Fixed Public Service (other than Alaska).	October 3, 4, 5, 6, 7.
9	Coastal, Marine Relay, Ship, Mobile Press, and Fixed Public Service in Alaska.	
10	Aviation	
14	Amateur	
6	International Broadcast	
	GROUP II	
1	Standard Broadcast	October 10, 11, 12, 13, 14, 17.
2	High Frequency (FM) Broadcast.	
3	Non-commercial Educational	
4	Television	
5	Facsimile Broadcast	
7	Other broadcast services	
	GROUP III	
11	Police, Fire and Forestry Services.	October 18, 19, 20, 21, 24.
12	Special Emergency, Provisional and Motion Picture Services.	
13	Special Services (Geophysical, Relay Press).	
	GROUP IV	
15	Industrial, Scientific and Medical Services.	October 25, 26, 27, 28, 31.
16	Relay Systems (Program and Public and Private Communications).	
17	New Radio Services	

As indicated in the earlier public notice, upon completion of this testimony the Commission will then again receive evidence from the chairmen of Panels 1 and 2 of the RTPB concerning the recommendations they have to make for over-all allocations in light of the evidence adduced at the hearing. The Commission at that time will also receive evidence from any other person or group that has recommendations to make concerning over-all allocations. It is estimated that this phase of the hearing will commence November 1.

The above schedule differs from that set forth in the earlier public notice only in that hearings will be held on Tuesday, Wednesday, Thursday, Friday and Saturday of each week instead of Monday, Wednesday, Thursday, Friday and Saturday as set forth in the earlier notice.

Dated: September 21, 1944.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-14896; Filed, Sept. 27, 1944; 10:33 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5762]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION FOR MODIFICATION OF AUTHORIZATION TO EXPORT ELECTRIC ENERGY

SEPTEMBER 26, 1944.

Notice is hereby given that pursuant to the provisions of section 202 (e) of the Federal Power Act (16 U.S.C. 791–825r), El Paso Electric Company, of El Paso, Texas, has filed an application for modification of the authorization previously granted by the Commission under said Act to increase the amount of electric energy exported from a point in the City of El Paso, Texas, to Juarez, Chihuahua, Mexico, to 1,300,000 kilowatt-hours per month, at a rate not to exceed 2,500 kilowatts of demand. The present exportation is limited to 900,000 kilowatt-hours per month, at a rate not to exceed 1,300 kilowatts on a month to month basis, subject to the requirements of applicant's system.

Any person desiring to be heard or to make any protest with reference to said proposed modification should, on or before October 10, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations (under the Federal Power Act).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-14892; Filed, Sept. 27, 1944; 9:34 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 236]

UNLOADING OF COAL AT JERSEY CITY, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C. on the 25th day of September, A. D. 1944.

It appearing, that car DL&W 78703, containing chestnut anthracite coal at Pier 18, Jersey City, New Jersey, on the Central Railroad Company of New Jersey, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

Coal at Pier 18, Jersey City, New Jersey, be unloaded. (a) The Central Railroad Company of New Jersey, its agents or employees, shall unload forthwith car DL&W 78703, containing coal at Pier 18, Jersey City, New Jersey, consigned to Whitley & Buckalew, Inc., 19 Rector Street, New York, New York.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C. when such carload of coal has been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)–(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon The Central Railroad Company of New Jersey, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-14930; Filed, Sept. 27, 1944; 11:39 a. m.]

[S. O. 237]

UNLOADING OF STEEL NUTS AT ELIZABETH, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of September, A. D. 1944.

It appearing that car T&P 40048, containing steel nuts at Elizabeth, New Jersey, on The Central Railroad Company of New Jersey, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

Steel nuts at Elizabeth, New Jersey, to be unloaded. (a) The Central Railroad Company of New Jersey, its agents or employees, shall unload forthwith car T&P 40048, containing steel nuts from Lockheed Aircraft Corporation, Burbank, California, consigned to J. M. McCurdy, care of Elastic Stock Nut Company, now on hand at Elizabeth, New Jersey.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carload of steel nuts has been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)–(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon The Central Railroad Company of New Jersey, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-14931; Filed, Sept. 27, 1944; 11:40 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[RMPR 436, Order 27]

BATEMAN RANCH POOL, TEX.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator of the Office of Price Administration by section 12 (c) of Revised Maximum Price Regulation No. 436, *It is hereby ordered:*

(a) That notwithstanding the provisions of section 12 of Revised Maximum Price Regulation No. 436, the maximum price of crude petroleum run from the receiving tank on or after September 1, 1944, and produced in—

Pool	County	State
Bateman Ranch	King	Texas.

shall be the maximum price as determined under section 10 or 11 of Revised Maximum Price Regulation No. 436. The increase heretofore granted to this pool by section 12 of Revised Maximum Price Regulation No. 436 is hereby revoked.

(b) This order may be revoked, amended or corrected at any time.

This order shall become effective as of September 1, 1944.

Issued this 27th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14923; Filed, Sept. 27, 1944; 11:34 a. m.]

[MPR 183, Order 2448]

OKLA H. SMITH

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a knee hole desk, a bed and a chest manufactured by Okla H. Smith, 823 North Second Street, Fort Smith, Arkansas.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the articles from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model number	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
		Each	*Each*
Knee hole desk	11	$12.32	$14.50
Bed	9	9.30	10.95
Chest	6	8.79	10.35

These prices are f. o. b. factory and are subject to a cash discount of two percent for payment within ten days, net thirty days. They are for the articles described in the manufacturer's application dated July 29, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article	Model number	Maximum price to retailers
		Each
Knee hole desk	11	$14.50
Bed	9	10.95
Chest	6	10.35

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days; they are for the articles described in the manufacturer's application dated July 29, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 28th day of September 1944.

Issued this 27th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14928; Filed, Sept. 27, 1944; 11:34 a. m.]

[MPR 188, Order 59 Under Order A-2]

NICHOLLS MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 59 under paragraph (a) (16) under Order No. A-2 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturer's maximum prices for specified building materials and consumers' goods other than apparel. Adjustment of maximum prices for sales of carpenters' squares and cement and plastering trowels manufactured by Nicholls Manufacturing Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, it is ordered:

(a) *Manufacturer's maximum prices.* Nicholls Manufacturing Company, Ottumwa, Iowa, may sell and deliver the carpenters' squares and cement and plastering trowels of its manufacture, at prices no higher than its maximum prices for such sales in effect prior to the effective date of this order, plus two percent of each such maximum price. This adjustment applies to every item for which a maximum price was established under Maximum Price Regulation No. 188 prior to the effective date of this order, and may be made and collected only if separately stated. The adjusted prices are subject to the manufacturer's customary discounts, allowances, and other price differentials, in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* Any purchaser for resale, other than sellers at retail, of a carpenters' square or trowel for which the manufacturer's maximum price has been adjusted as provided in paragraph (a) above, may add to his properly established maximum price in effect immediately prior to the effective date of this order the dollar-and-cents amount of the adjustment charge which he is required to pay to the manufacturer, provided such amount is separately stated. Such adjusted prices are subject to the seller's customary discounts, allowances, and other price differentials, in effect during March 1942 on sales to each class of purchaser.

(c) *Notification.* At the time of or before the first invoice to each purchaser for resale of an article covered by this order, at an adjusted price permitted by this order, the seller must furnish the purchaser with a written notice giving the number of this order and fully explaining its terms and conditions.

(d) *Profit and loss statement.* After the effective date of this order, Nicholls Manufacturing Company shall submit to the Office of Price Administration a detailed quarterly profit and loss statement within thirty days after the close of each quarter.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 28th day of September 1944.

Issued this 27th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14925; Filed, Sept. 27, 1944; 11:34 a. m.]

[MPR 136, Rev. Order 237]

CUSHMAN MOTOR WORKS

ADJUSTMENT OF MAXIMUM PRICES

Revised Order No. 237 under Maximum Price Regulation No. 136, as amended. Machines and parts, and machinery services. Cushman Motor Works. Docket No. 3136-458.

Order No. 237 under Maximum Price Regulation 136, as amended, is redesignated Revised Order No. 237 under Maximum Price Regulation 136, as amended, and is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Orders 9250 and 9328, and Section 1390.25a of Maximum Price Regulation 136, as amended, *It is ordered:*

(a) Cushman Motor Works, 920 North 21st Street, Lincoln, Nebraska, shall determine its maximum prices for the 2 H. P. water-cooled gasoline engine that it manufactures, by adding the sum of $1.00 to the maximum price to each class of purchasers established by Order 113 under Maximum Price Regulation 136, as amended.

(b) Resellers of the 2 H. P. water-cooled gasoline engines manufactured by the Cushman Motor Works shall determine their maximum prices by adding to their maximum prices to each class of purchasers, duly in effect just prior to the issuance of this revised order, the dollars-and-cents amounts by which the resellers' costs have been increased due to the adjustments in maximum prices granted to the Cushman Motor Works by this order as well as by Order No. 113 under Maximum Price Regulation 136, as amended.

(c) Cushman Motor Works shall give written notification to its customers who buy the 2 H. P. water-cooled gasoline engines for resale, of the amounts by which this revised order permits resellers to increase their maximum prices.

(d) Within 30 days after the issuance of this revised order, the Cushman Motor Works shall file with the Office of Price Administration, Washington, D. C., a copy of the written notification required to be given in pursuance of paragraph (c).

(e) All requests not granted herein are denied.

(f) This revised order may be amended or revoked by the Administrator at any time.

This revised order shall become effective September 28, 1944.

Issued this 27th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14924; Filed, Sept. 27, 1944; 11:35 a. m.]

[MPR 188, Order 2447]

PAT JOHNSON MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a bench, manufactured by Pat Johnson Manufacturing Company, 700 South Ewing Street, Dallas, Texas.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the articles from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model number	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
		Each	*Each*
Bench		$2.50	$2.95

These prices are f. o. b. factory and are subject to a cash discount of one percent for payment within thirty days, and are for the article described in the manufacturer's application dated June 21, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article	Model number	Maximum price to retailers
		Each
Bench		$2.95

This price is subject to a cash discount of one percent for payment within thirty days, and is for the article described in the manufacturer's application dated June 21, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 28th day of September 1944.

Issued this 27th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14927; Filed, Sept. 27, 1944; 11:35 a. m.]

[MPR 188, Order 2446]

VENTNOR BOAT WORKS, INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of cellarette manufactured by Ventnor Boat Works Inc., West Atlantic City, New Jersey.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the articles from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model number	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
		Each	*Each*
Cellarette	12, 13, 14	$40.80	$43.00

These prices are f. o. b. factory and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated June 22, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
		Each
Cellarette	12, 13, 14	$43.00

This price is subject to a cash discount of two percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated June 22, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall

notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 28th day of September 1944.

Issued this 27th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14926; Filed, Sept. 27, 1944; 11:35 a. m.]

Regional and District Office Orders.

[Atlanta Order G-1 Under Gen. Order 50, Amdt. 2]

MALT AND CEREAL BEVERAGES IN ATLANTA, GA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Atlanta District Office of Region IV of the Office of Price Administration by General Order No. 50 issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944, and pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders 9250 and 9328, the following amendment is hereby issued:

(A) Appendix A, Part I, of Order No. G-1 under General Order No. 50 is amended as follows:

(1) Under Group 1 B, in alphabetical order, the following brand or trade name of beer and the maximum price per bottle is added:

Brand or trade name of beer	Maximum price per bottle	
	12-ounce	32-ounce
Silver Fox DeLuxe Beer	*Cents* 25	*Cents* 60

(2) Under Group 2 B, in alphabetical order, the following brand or trade name of beer and the maximum price per bottle is added:

Brand or trade name of beer	Maximum price per bottle	
	12-ounce	32-ounce
Silver Fox DeLuxe Beer	*Cents* 20	*Cents* 50

(3) Under Group 3 B, in alphabetical order, the following brand or trade name of beer and the maximum price per bottle is added:

Brand or trade name of beer	Maximum price per bottle	
	12-ounce	32-ounce
Silver Fox DeLuxe Beer	*Cents* 18	*Cents* 45

(4) Under Group 1 B, at the end thereof, the following sentence is added: "The amount of any municipal sales tax on retail sales actually paid by the seller may be added to the above price."

(5) Under Group 2 B, at the end thereof, the following sentence is added: "The amount of any municipal sales tax on retail sales actually paid by the seller may be added to the above price."

(6) Under Group 3 B, at the end thereof, the following sentence is added: "The amount of any municipal sales tax on retail sales actually paid by the seller may be added to the above price."

(B) Appendix A, Part II, of Order G-1 under General Order No. 50 is amended by adding a sentence at the end thereof to read as follows: "The amount of any municipal sales tax on retail sales actually paid by the seller may be added to the above price."

(C) This Amendment No. 2 to Order No. G-1, as amended, under General Order No. 50 shall become effective on and after August 29, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; General Order No. 50, 8 F.R. 4808)

Issued August 29, 1944.

E. A. THORNWELL,
District Director.

[F. R. Doc. 44-14868; Filed, Sept. 26, 1944; 1:14 p. m.]

[Atlanta Order G-1 Under Gen. Order 50, Amdt. 3]

MAXIMUM PRICES FOR MALT AND CEREAL BEVERAGES IN ATLANTA, GA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Atlanta District Office of Region IV of the Office of Price Administration by General Order No. 50 issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944, and pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders 9250 and 9328, the following amendment is hereby issued:

(A) Appendix A, Part I, of Order No. G-1 under General Order No. 50 is amended as follows:

(1) Under Group 1 B, in alphabetical order, the following brand or trade name of beer and the maximum price per bottle is added:

Brand or trade name of beer	Maximum price per bottle	
	12 ounce	32 ounce
Fredrick's Four Crown Special	*Cents* 25	*Cents* 60

(2) Under Group 2 B, in alphabetical order, the following brand or trade name of beer and the maximum price per bottle is added:

Brand or trade name of beer	Maximum price per bottle	
	12 ounce	32 ounce
Fredrick's Four Crown Special	*Cents* 20	*Cents* 50

(3) Under Group 3 B, in alphabetical order, the following brand or trade name of beer and the maximum price per bottle is added:

Brand or trade name of beer	Maximum price per bottle	
	12 ounce	32 ounce
Fredrick's Four Crown Special	*Cents* 18	*Cents* 45

(B) This Amendment No. 3 to Order No. G-1, as amended, under General Order No. 50 shall become effective on and after August 29, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; General Order No. 50, 8 F.R. 4808)

Issued August 29, 1944.

E. A. THORNWELL,
District Director.

[F. R. Doc. 44-14869; Filed, Sept. 26, 1944; 1:15 p. m.]

[Region IV Order G-3 Under MPR 280, Amdt. 3]

FLUID MILK IN ATLANTA REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV of the Office of Price Administration by § 1351.-817a of Maximum Price Regulation 280 as amended, it is hereby ordered that a new paragraph (h) (4) be added following paragraph (h) (3), to read as set forth below:

(4) Any handler (primary or intermediate) able to establish a maximum price in accordance with the provisions of paragraph (b) above who has not sold or delivered fluid milk on or after April 20, 1944, shall file the report or reports required by paragraph (h) (3) of handlers within thirty days after the first sale or delivery made by such handler subsequent to April 20, 1944.

This amendment shall become effective September 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued September 20, 1944.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 44-14870; Filed, Sept. 26, 1944; 1:12 p. m.]

[Charlotte Rev. Order G-1 Under Gen. Order 50]

MALT AND CEREAL BEVERAGES IN CHARLOTTE, N. C., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Charlotte District Office of Region IV of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944, it is hereby ordered:

SECTION 1. *Purpose of order.* Order No. G-1 under General Order 50 issued by the District Director of the Charlotte District Office of the Office of Price Administration on the 30th day of June, 1944, was issued for the purpose of establishing specific maximum prices for malt and cereal beverages, including those commonly known as ale, beer and near-beer, either in containers or on draught when sold or offered for sale at retail by any eating or drinking establishment, either for consumption on the premises or when carried away. Order No. G-1 under General Order 50 is redesignated Revised Order No. G-1 under General Order 50, and is revised and amended as herein set forth and issued for the same purpose and for the further purpose of clarifying and strengthening the order.

SEC. 2. *Geographical applicability.* The provisions of this order extend to all eating and drinking places or establishments located within the limits of the following named counties in the State of North Carolina:

Alexander.	Lincoln.
Alleghany.	Macon.
Anson.	Madison.
Ashe.	McDowell.
Avery.	Mecklenburg.
Buncombe.	Mitchell.
Burke.	Montgomery.
Cabarrus.	Polk.
Caldwell.	Randolph.
Catawba.	Richmond.
Cherokee.	Rockingham.
Clay.	Rowan.
Cleveland.	Rutherford.
Davidson.	Stanly.
Davie.	Stokes.
Forsyth.	Surry.
Gaston.	Swain.
Graham.	Transylvania.
Guilford.	Union.
Haywood.	Watauga.
Henderson.	Wilkes.
Iredell.	Yadkin.
Jackson.	Yancey.

SEC. 3. *Ceiling prices.* (a) On and after August 21, 1944, if you operate an eating or drinking establishment, you may not sell or offer for sale any beverage subject to this order at prices higher than the applicable ceiling prices listed in the appendices hereof. You may, of course, charge lower prices at any time.

(b) If you sell any beverage subject to this order which is not specifically listed herein, and if you believe that the maximum price specified herein for such beverage is not appropriate to such beverage, you may make application to the Charlotte District Office of the Office of Price Administration requesting that such beverage be specifically included in the appendices hereof. With or without such application, the Charlotte District Office of the Office of Price Administration may, at any time, and from time to time, add new or unlisted beverages, brands, types or sizes together with maximum prices for same to the lists set forth in the appendices hereof.

(c) You may not add any taxes to your ceiling prices set forth in the appendices hereof except those specifically provided therein, as all other taxes were taken into consideration in establishing the ceiling prices for each group of sellers.

SEC. 4. *How to figure your ceiling prices.* (a) This order divides eating and drinking establishments into three different groups and gives each group a different ceiling price. The group to which you belong depends on your legal ceiling prices in effect during the base period of April 4–10, 1943. You must figure the group to which you belong on the basis of your correct legal ceiling prices for that period.

(b) The group to which you belong depends on your legal ceiling prices for the beverages subject to this order in effect during the base period of April 4–10, 1943. If your legal ceiling prices for various brands and types of beverages subject to this order vary so that your ceiling prices on some brands or types seem to place you in one particular group and ceiling prices on others seem to classify you into a different group, you must classify yourself into the particular group representative of the prices at which the greater number of your sales were made. For the purpose of determining your classification as herein provided, no consideration may be given to sales of beverages listed in appendices other than Appendix A hereof. You must figure the group to which you belong as follows:

(1) *Group 1-B.* Your establishment belongs to Group 1-B if, during the base period of April 4–10, 1943, your legally established ceiling prices for beverages subject to this order were the same as, or more than, the prices listed in Appendix A hereof for Group 1-B establishments.

(2) *Group 2-B.* Your establishment belongs to Group 2-B if, during the base period of April 4–10, 1943, your legally established ceiling prices for beverages subject to this order were the same as, or more than, the prices listed in Appendix A hereof for Group 2-B establishments, but were less than those provided in Appendix A for Group 1-B establishments.

(3) *Group 3-B.* Your establishment belongs to Group 3-B if, during the base period of April 4–10, 1943, your legally established ceiling prices for beverages subject to this order were less than the prices listed in Appendix A hereof for Group 2-B establishments. All establishments not in operation during the base period of April 4–10, 1943, and all establishments which begin operating after the effective date of this order also belong to Group 3-B.

(c) If your eating or drinking establishment was not in operation during the base period of April 4–10, 1943, but was in operation prior to the effective date of this order, and, if the nearest similar eating or drinking establishment of the same type is one which is properly classified in Group 1-B or Group 2-B, you may, but not later than the first day of October, 1944, file an application with the Charlotte District Office of the Office of Price Administration, requesting that your establishment be reclassified into the same group to which its nearest similar eating or drinking establishment of the same type belongs. Until your application is acted upon, and unless your establishment is reclassified, it must retain the classification of a Group 3-B seller, and must observe the ceiling prices as provided for that group in the appendices hereof. All such applications for reclassification must contain the following information:

(1) Name and address of the establishment and of its owner or owners.

(2) A description of the establishment showing its type (such as night club, hotel, restaurant, tavern) and the date it began operating.

(3) The selling prices by brand name of all beverages sold since the beginning of its operation.

(4) The names of the three nearest eating and drinking establishments of the same type, and their group number as determined under this order.

(5) Any other information pertinent to such application or which may be requested by the Office of Price Administration.

(d) If your eating and drinking establishment begins operation after the effective date of this order, you are classified as a Group 3-B seller and may not sell or offer for sale beverages subject to this order at prices higher than those set forth for Group 3-B sellers in the appendices hereof. However, if your nearest eating and drinking establishment of the same type is one which is properly classified as a Group 1-B or Group 2-B seller, you may, within and not later than 30 days from the time you begin operating, file an application with the Charlotte District Office, requesting that your establishment be reclassified into the same group in which its nearest eating and drinking establishment of the same type belongs. Until your application is acted upon and unless your establishment is reclassified, it must retain the classification of Group 3-B and must observe the ceiling prices as provided for that group in the appendices hereof. All such applications for reclassification must contain the same information required by paragraph (c) of this section.

(e) After you have figured your proper group number under this section and have filed the required statement with your War Price and Rationing Board as provided in section 5, you may not change your group classification except as otherwise provided by this order.

SEC. 5. *Filing with War Price and Rationing Board.* (a) When you have figured your proper group under section 4 above, you must, on or before September 15, 1944, file with your War Price and Rationing Board a signed statement with the name and address of your establishment, its type (such as night club, hotel, restaurant, tavern) and the group

to which it belongs. Thereupon the War Price and Rationing Board will send you a card bearing your group number. If you begin operating your establishment after the effective date of this order, you must likewise file said signed statement in this manner as soon as you begin operating.

(b) If you are now in operation and have not filed the signed statement showing the group number to which you belong as provided in paragraph (a) above, you must do so immediately. If you have failed to file said signed statement as herein required you are hereby classified as a Group 3–B seller and you may not sell or offer for sale any beverage subject to this order at prices higher than the applicable ceiling prices listed for Group 3–B sellers in the appendices hereof. Failure to file said signed statement as herein provided is a violation of this order and also subjects you to the other penalties herein provided.

SEC. 6. *Modification of prices.* After you have determined your group and have put into effect the ceiling prices provided in this order for that group, the Office of Price Administration District Director for the District in which your establishment is located may direct you to charge lower ceiling prices:

(a) If, on the basis of your April 4–10, 1943 legal ceiling prices, this order, properly applied, requires you to be placed into a group with lower ceiling prices.

(b) If, as a result of speculative, unwarranted, or abnormal increases, contrary to the purpose of the Emergency Price Control Act, as amended, your legal ceiling prices on April 4–10, 1943 were excessive in relation to the legal ceiling prices of other comparable establishments in the District.

SEC. 7. *Exempt sales.* The following sales are exempt from the operation of this order. However, unless they are otherwise exempt from price control, they shall remain subject to the appropriate maximum price regulation or order:

(a) Sales by persons on board common carriers (when operated as such), including railroad dining cars, club cars, bar cars, and buffet cars, or sales otherwise governed by Restaurant Maximum Price Regulation 1 (Dining Car Regulation).

(b) Sales by public and private hospitals insofar as they serve to patients.

(c) Sales by eating cooperatives formed by members of the armed forces (as, for example, officers' mess) operated as a non-profit cooperative (where no part of the net earnings inures to the benefit of any individual) which sells food items or meals on a cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to members of the armed forces who are members of the cooperative.

(d) Sales where the beverages subject to this order are included in, and sold as part of, a meal and where the price of such beverage is included in the price of the meal. (Such sales remain under Restaurant Maximum Price Regulation 2.)

(e) Sales by the War Department or the Department of Navy of the United States through such Departments' sales stores, including commissaries, ships' stores ashore, and by stores operated as army canteens, post exchanges, or ships' activities.

(f) Bona fide private clubs insofar as such clubs sell only to members or bona fide guests of members. Whenever such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales an eating or drinking establishment and subject to this order. No club shall be considered to be exempt as a private club, within the meaning of this subparagraph, unless such club is a nonprofit organization and is recognized as such by the Bureau of Internal Revenue and unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and unless it is otherwise operated as a private club.

No club organized after the effective date of this order shall be exempt unless and until it has filed a request for exemption with the District Office of the Office of Price Administration of the area in which it is located, furnishing such information as may be required, and has received a communication from such office authorizing exemption as a private club.

SEC. 8. *Evasion.* If you are an operator of an eating or drinking establishment, you must not evade the ceiling prices established by this order by any type of scheme or device; among other things (this is not an attempt to list all evasive practices) you must not:

(a) Institute any cover, minimum, bread and butter, service, corkage, entertainment, check-room, parking or other special charges which you did not have in effect on any corresponding day during the seven-day period from April 4–10, 1943, or

(b) Increase any cover, minimum, bread and butter, service, corkage, entertainment, check-room, parking or other special charges which you did have in effect on any corresponding day during the seven-day period from April 4–10, 1943, or

(c) Require as a condition of sale of a beverage the purchase of other items or meals, except that during the hours from 11:30 a. m. to 1:30 p. m. and the hours from 6:00 p. m. to 8:00 p. m., any eating or drinking establishment which derives not less than 70% of its gross revenue from the sales of prepared food items (not including beverage items) sold for consumption on the premises may refuse to sell beverages subject to this order for consumption on the premises during those hours to persons who do not also purchase food items.

SEC. 9. *Records and menus.* If you are an operator of an eating or drinking establishment subject to this order, you must observe the requirements of General Order 50, as well as Restaurant Maximum Price Regulation No. 2, either as revised and amended or as may be revised and amended, with reference to the filing and keeping of menus and the preservation and keeping of customary and future records. Among other provisions of General Order 50, are the following:

(a) Preserve all existing records relating to prices, cost and sales of food items, meals and beverages;

(b) Continue to prepare and maintain such records as have been ordinarily kept;

(c) Keep for examination by the Office of Price Administration two copies of each menu used by the establishment each day, or a daily record in duplicate of the prices charged for food items, beverages and meals. If the establishment has customarily used menus, it must continue to do so.

SEC. 10. *Posting of prices.* If you are an operator of an eating or drinking establishment, you must post and keep posted, the ceiling prices of the beverages subject to this order sold by your establishment, either by:

(a) Supplying the customers menus or bills of fare showing the beverages subject to this order which are sold by the establishment; and showing the brand name, quantity and ceiling price of each kind and type of bottled beverage, and the quantity and ceiling price of all beverages sold on draught, or

(b) Posting a sign giving the same information as required on menus or bills of fare by subparagraph (a) above. Such a sign must be posted in the establishment at a place where it can easily be read by the customers. If you prefer you may use a similar sign furnished by the Office of Price Administration.

(c) No establishment which fails to comply with the posting requirements of this section may sell any beverage subject to this order at a higher price than provided for Group 3–B sellers in the appendices hereof during such time as such establishment is not in compliance with this section.

SEC. 11. *Posting of group number.* (a) If you operate an eating or drinking establishment selling at retail beverages subject to this order, you must post, and keep posted, in the premises a card or cards clearly visible to all purchasers showing the group number of your establishment as classified under this order. The card must read "OPA–1B", "OPA–2B", or "OPA–3B", whichever is

applicable. You may use the card or cards furnished you for this purpose by the War Price and Rationing Board.

(b) No establishment which fails to comply with the posting requirements of this section may sell any beverage subject to this order at a higher price than provided for Group 3-B sellers in the appendices hereof during such time as such establishment is not in compliance with this section.

SEC. 12. *Receipts and sales slips.* Regardless of whether or not receipts have customarily been issued, upon request by any customer at the time of payment, a receipt containing a full description of the beverage sold and the price of same must be issued. Such receipts must show the date of issue and bear the signature of the person issuing same. If you have customarily issued receipts or sales slips, you may not now discontinue the practice.

SEC. 13. *Operation of several places.* If you own or operate more than one place selling beverages subject to this order, you must do everything required by this regulation for each place separately.

SEC. 14. *Enforcement.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspensions of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Licensing.* The provisions of Licensing Order No. 1 licensing all persons who make sales under price control, are applicable to all sellers subject to this order. If you are a seller subject to this order, your license is suspended for violation of the license or of the order. If your license is suspended, you may not, during the period of suspension, make any sale for which your license has been suspended.

SEC. 16. *Relation to other maximum price regulations.* This order supersedes the provisions of Maximum Price Regulation No. 259 and the General Maximum Price Regulation insofar as such provisions were applicable to sales at retail by eating and drinking establishments of beverages subject to this order. Sales of beverages subject to this order when sold as part of a meal and when the price of same is included in the price of the meal remain subject to the provisions of Restaurant Maximum Price Regulation 2.

SEC. 17. *Definitions.* (a) "Malt beverage" is any malt beverage produced either within or without the Continental United States, and includes those commonly designated as beer, lager beer, ale, porter and stout.

(b) "Cereal beverage" is any beverage produced from cereals either within or without the Continental United States and commonly known as "near-beer".

(c) "On draught" means dispensed by a seller at retail from any container of ⅛ barrel or larger size.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(e) "Sales at retail" or "Selling at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user.

(f) "Eating or drinking establishment" shall include any place, establishment or location, whether temporary or permanent, in which any prepared food item or meal, or any beverage is sold for immediate consumption on the premises or to be carried away without substantial change in form or substance. However, grocery and other stores that do not sell food items or meals, or beverage for immediate consumption on the premises are specifically excluded from this definition.

(g) "Other definitions". Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulation, shall apply to the other terms used herein.

SEC. 18. *Transfers of business or stock in trade.* If the business assets, or stock in trade of any establishment are hereafter sold or otherwise transferred, or have been sold or transferred subsequent to April 10, 1943, and the transferee carries on the business or continues to sell malt beverages covered by this order in the same location, the maximum prices of the transferee shall be the same as those to which its transferor would have been subject if no such transfer had taken place, and its obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available or turn over to the transferee all records of transaction prior to the transfer which are necessary to enable the transferee to comply with the record-keeping requirements of this order. If there is a lapse of business operations in connection with such a transfer for a period of sixty days, selling prices shall be determined as provided in section 4 for a new seller.

SEC. 19. *Changes in location.* If any establishment is hereafter moved to a new location, the establishment shall be considered a new seller under this order and shall determine its ceiling prices under the provisions of section 4.

SEC. 20. *Petitions for amendment.* Any person dissatisfied with any of the provisions of this order may request the Office of Price Administration to amend the order. Such petition for amendment must be filed in pursuance of the provisions of Revised Procedural Regulation No. 1, except that the petition for amendment shall be directed to, filed with, and acted upon, by the District Director of the Charlotte District Office.

SEC. 21. *Revocation and amendment.* This order may be revoked, amended, or corrected at any time.

SEC. 22. *Effective date.* This order shall become effective on August 21, 1944.

NOTE: The reporting and record keeping requirements of this order have been approved by the Bureau of the Budget and in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; 57 Stat. 566., Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, G.O. 50, 8 F.R. 4808)

Issued at Charlotte, North Carolina this August 19, 1944.

JAMES J. KILROY,
Acting District Director.

APPENDIX A

GROUP 1-B

Brand or trade name:	*Maximum price per bottle (cents)*
Carta Blanca	35
Champ Ale	20
Indian Ale	20

Beer and ale	Brewer	12-ounce (cents)	32-ounce (cents)
Ballantine	P. Ballantine & Sons	25	50
Ballantine Ale	P. Ballantine & Sons	25	50
Barbarossa	Red Top Brewing Co.	25	50
Blatz Pilsner	Blatz Brewing Co.	25	50
Budweiser	Anheuser-Busch, Inc.	25	50
Canadian Ace	Manhattan Brewing Co.	25	50
Canadian Ace Ale	Manhattan Brewing Co.	25	50
Carling's Red Cap Ale	Brewing Corp. of America.	25	50
Krueger Cream Ale	G. Krueger Brewing Co.	25	50
Leowers	Leowers-Gambrines Brewing Co.	25	50
Miller's High Life	Miller Brewing Company.	25	50
National Premium	National Brewing Company.	25	50
Pabst Blue Ribbon	Pabst Brewing Company.	25	50
Red Top Ale	Red Top Brewing Company.	25	50
Schlitz	Jos. Schlitz Brewing Company.	25	50
Trim	Genesee Brewing Company.	25	50
Tru-Blu	Northampton Brewing Corp.	25	50
Tru-Blu Old Fashioned	Northampton Brewing Corp.	25	50
All other brands not listed above including unlabelled beer and ale		20	45

Draught beer (State and Federal tax):	*Cents*
8-ounce glass	13
10-ounce glass	15
12-ounce glass	17
14-ounce glass	19
16-ounce glass	21
20-ounce glass	25
24-ounce glass	29

All other sizes 1 cent per ounce.

The above prices include the 3 percent North Carolina State Sales Tax, and if prices are advertised, should be advertised as including tax.

Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above prices if such tax is separately stated and collected.

GROUP 2-B

Brand or trade name: *Maximum price per bottle (cents)*

Carta Blanca 30
Champ Ale 27
Indian Ale 27

Beer and ale	Brewers	12-ounce (cents)	32-ounce (cents)
Ballantine	P. Ballantine & Sons	20	45
Ballantine Ale	P. Ballantine & Sons	20	45
Barbarossa	Red Top Brewing Company.	20	45
Blatz Pilsner	Blatz Brewing Company.	20	45
Budweiser	Anheuser-Busch, Inc.	20	45
Canadian Ace	Manhattan Brewing Company.	20	45
Canadian Ace Ale	Manhattan Brewing Company.	20	45
Carling's Red Cap Ale.	Brewing Corp. of America.	20	45
Kreuger Cream Ale	G. Kreuger Brewing Company.	20	45
Loewers	Loewers-Gambrinus Brewing Co.	20	45
Miller's High Life	Miller Brewing Company.	20	45
National Premium	National Brewing Company.	20	45
Pabst Blue Ribbon	Pabst Brewing Company.	20	45
Red Top Ale	Red Top Brewing Company.	20	45
Schlitz	Jos. Schlitz Brewing Company.	20	45
Trim	Genesee Brewing Company.	20	45
Tru-Blu	Northampton Brewing Corp.	20	45
Tru-Blu Old Fashioned.	Northampton Brewing Corp.	20	45
All other brands not listed above, including unlabelled beer and ale.		15	40

Draught beer (State and Federal tax):	*Cents*
8 ounce glass	10
10 ounce glass	12
12 ounce glass	14
14 ounce glass	16
16 ounce glass	18
20 ounce glass	22
24 ounce glass	26

All other sizes 1¢ per ounce.

The above prices include the 3% North Carolina State Sales Tax, and if prices are advertised, should be advertised as including tax.

Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above prices if such tax is separately stated and collected.

GROUP 3-B

Brand or trade name: *Maximum price per bottle (cents)*

Carta Blanca 27
Champ Ale 25
Indian Ale 25

Beer and ale	Brewers	12-ounce (cents)	32-ounce (cents)
Ballantine	P. Ballantine & Sons	18	42
Ballantine Ale	P. Ballantine & Sons	18	42
Barbarossa	Red Top Brewing Company.	18	42
Blatz Pilsner	Blatz Brewing Company.	18	42
Budweiser	Anheuser-Busch, Inc.	18	42
Canadian Ace	Manhattan Brewing Company.	18	42
Canadian Ace Ale	Manhattan Brewing Company.	18	42
Carling's Red Cap Ale.	Brewing Corp. of America.	18	42
Kreuger Cream Ale	G. Kreuger Brewing Company.	18	42
Loewers	Loewers-Gambrinus Brewing Co.	18	42
Miller's High Life	Miller Brewing Company.	18	42
National Premium	National Brewing Company.	18	42
Pabst Blue Ribbon	Pabst Brewing Company.	18	42
Red Top Ale	Red Top Brewing Company.	18	42
Schlitz	Jos. Schlitz Brewing Company.	18	42
Trim	Genesee Brewing Company.	18	42
Tru-Blu	Northampton Brewing Co.	18	42
Tru-Blu Old Fashioned.	Northampton Brewing Co.	18	42
All other beers not listed above, including unlabelled beer and ale.		13	37

Draught beer (State and Federal tax):	*Cents*
8 ounce glass	9
10 ounce glass	11
12 ounce glass	13
14 ounce glass	15
16 ounce glass	17
20 ounce glass	21
24 ounce glass	25

All other sizes 1¢ per ounce.

The above prices include the 3% North Carolina State Sales Tax, and if prices are advertised, should be advertised as including tax.

Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above prices if such tax is separately stated and collected.

APPENDIX B

The brands listed herein are not to be used for the purpose of classification into groups as provided in section 4 of the order.

GROUP 2-B

Beer and ale	Brewers	12-ounce (cents)	32-ounce (cents)
Bay State	Commonwealth Brewing Co.	18	42
Bay State ale	do	18	42
Burger Brau	Burger Brewing Company.	18	42
Ehrets	Geo. Ehrets Brewing Company.	18	42
Esslinger	Esslinger, Inc.	18	42
Esslinger (Little Man) ale.	do	18	42
Gold Medal	Commonwealth Brewing Company.	18	42
Hornung	Jacob Hornung Brewery.	18	42
Kreuger	G. Kreuger Brewing Co.	18	42
Lion	Greater New York Brewing Co.	18	42
Oxford	Commonwealth Brewing Company.	18	42
Oxford ale	do	18	42
Victory	do	18	42

The above prices include the 3% North Carolina State Sales Tax, and if prices are advertised, should be advertised as including tax.

Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above prices if such tax is separately stated and collected.

GROUP 3-B

Beer and ale	Brewers	12-ounce (cents)	32-ounce (cents)
Bay State	Commonwealth Brewing Company.	18	42
Bay State ale	Commonwealth Brewing Company.	18	42
Burger Brau	Burger Brewing Company.	18	42
Ehrets	Geo. Ehrets Brewing Company.	18	42
Esslinger	Esslinger, Inc.	18	42
Esslinger (Little Man) ale.	Esslinger, Inc.	18	42
Gold Medal	Commonwealth Brewing Company.	18	42
Hornung	Jacob Hornung Brewery	18	42
Kreuger	G. Kreuger Brewing Company.	18	42
Lion	Greater New York Brewing Co.	18	42
Oxford	Commonwealth Brewing Company.	18	42
Oxford ale	Commonwealth Brewing Company.	18	42
Victory	Commonwealth Brewing Company.	18	42

The above prices include the 3% North Carolina State Sales Tax, and if prices are advertised, should be advertised as including tax.

Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above prices if such tax is separately stated and collected.

[F. R. Doc. 44-14871; Filed, Sept. 26, 1944; 1:12 p. m.]

[Jackson Order G-1 Under Gen. Order 50, Amdt. 5]

MALT AND CEREAL BEVERAGES IN MISSISSIPPI

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Jackson (Mississippi) District Office of Region IV of the Office of Price Administration by General Order No. 50 issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, this Amendment 5 to Order No. G-1, issued by the Jackson (Mississippi) District Office of the Office of Price Administration under General Order No. 50, is hereby issued.

SECTION 1. *Amendment of Appendix A.* (a) Appendix A, as amended, is hereby further amended so that the Group 1-B maximum price for all brands of imported Mexican beer shall be fixed as follows instead of as heretofore ordered, to wit:

All brands of imported Mexican beer, 10½ to 12 ounce bottles, both inclusive, maximum price per bottle, 35 cents.

(b) Appendix A, as amended, is hereby further amended so that the Group 2-B maximum price for all brands of imported Mexican beer shall be fixed as follows instead of as heretofore ordered, to wit:

All brands of imported Mexican beer, 10½ to 12 ounce bottles, both inclusive, maximum price per bottle, 32 cents.

(c) Appendix A, as amended, is hereby further amended so that the Group 3-B maximum price for all brands of imported Mexican beer shall be fixed as follows instead of as heretofore ordered, to wit:

All brands of imported Mexican beer, 10½ to 12 ounce bottles, both inclusive, maximum price per bottle, 30 cents.

SEC. 2. *Effective date.* This amendment becomes effective on and after September 5, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; G.O. 50, 8 F.R. 4808)

Issued this the 5th day of September 1944.

WILLIAM E. HOLCOMB,
District Director.

[F. R. Doc. 44-14872; Filed, Sept. 26, 1944; 1:15 p. m.]

[Jacksonville Order G–1 Under Gen. Order 50, Amdt. 1]

Malt & Cereal Beverages in Florida

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Jacksonville District Office of Region IV of the Office of Price Administration by General Order No. 50 issued by the Administrator of the Office of Price Administration, and Region IV, Revised Delegation Order No. 17, issued May 5, 1944, it is hereby ordered that Appendix A is amended to read as follows:

Appendix A

Group 1–B

Brand or trade name		Maximum price per bottle	
		12 ounce	32 ounce
Ace Hi.	Gold Medal.		
All American.	Kingsbury Regular.		
American Pilsner.	Kingsbury Pale.		
Ballentine.	Koenig Brau.		
Barbarossa.	Krueger.		
Beverwyck.	Lion.		
Beverwyck Big 10.	Maltz Brau.		
Blatz Pilsner.	Millers High Life.		
Buckingham.	Namar Premium.		
Budweiser.	Old Gold.		
Burger Brau.	Pabst Blue Ribbon.		
Canadian Ace.	Red Cap.		
Deerchuck.	Red Top.		
Dorquest.	Ruby.		
Edelbrew.	Silver Fox DeLuxe.		
Edelbrew-Edelweiss.	Schlitz.		
Ehret.	Trim.		
Silver Fox.	Trommer's Light.		
Genessee.	Trommer's White		
Gold Coast.	Label.		
Gold Label.	Tru-Blu.	*Cents*	*Cents*
All beer listed above		23	50
All other brands not listed above		20	40
Down's Arf & Arf, Van Merritt		30	60
Carta Blanca (Imported), Doran's Export Lager (Imported)		35	65
Ale:			
Ballentine.	Krueger Cream.		
Ballentine Porter.	Maltz Brau.		
Bay State.	Old Timers.		
Bruck's Pale.	Red Top.		
Buckingham.	Silver Fox Deluxe.		
Canadian Ace.	Spearman's English		
Carling's Red Cap.	Type.		
Fox Deluxe.	Tru-Blu.		
All ale listed above		25	50
All other brands not listed above		20	40
Ballentine India Pale		30	60
Draught beer:			
8 oz. glass		10	------
10 oz. glass		13	------
12 oz. glass		15	------
All other size glasses		[1] 1¼	------

[1] Per ounce.

Sellers, who are required to pay a Federal excise tax on cabarets, may add same to above price if such tax is separately stated and collected.

Group 2–B

Brand or trade name		Maximum price per bottle	
		12 ounce	32 ounce
Ace Hi.	Gold Medal.		
All American.	Kingsbury Regular.		
American Pilsner.	Kingsbury Pale.		
Ballantine.	Koenig Brau.		
Barbarossa.	Krueger.		
Beverwyck.	Lion.		
Beverwyck Big 10.	Maltz Brau.		
Blatz Pilsner.	Millers High Life.		
Buckingham.	Namar Premium.		
Budweiser.	Old Gold.		
Burger Brau.	Pabst Blue Ribbon.		
Canadian Ace.	Red Cap.		
Deerchuck.	Red Top.		
Dorquest.	Ruby.		
Edelbrew.	Silver Fox Deluxe.		
Edelbrew-Edelweiss.	Schlitz.		
Ehret.	Trim.		
Silver Fox.	Trommer's Light.		
Genessee.	Trommer's White		
Gold Coast.	Label.		
Gold Label.	Tru-Blu.	*Cents*	*Cents*
All beer listed above		20	42
All other brands not listed above		15	37
Down's Arf & Arf, Van Merritt		25	50
Carta Blanca (Imported), Doran's Export Lager (Imported)		30	60
ALE			
Ballantine.	Krueger Cream.		
Ballantine Porter.	Maltz Brau.		
Bay State.	Old Timers.		
Bruck's Pale.	Red Top.		
Buckingham.	Silver Fox Deluxe.		
Canadian Ace.	Spearman's English		
Carling's Red Cap.	Type.		
Fox Deluxe.	Tru-Blu.		
All ale listed above		20	42
All other brands not listed above		15	37
Ballantine India Pale		25	50
Draught beer:			
8 oz. glass		10	------
10 oz. glass		11	------
12 oz. glass		12	------
All other size glasses		[1] 1	------

[1] Per ounce.

Sellers, who are required to pay a Federal Excise Tax on cabarets, may add same to above price if such tax is separately stated and collected.

Group 3–B

Brand or trade name		Maximum price per bottle	
		12 ounce	32 ounce
Ace Hi.	Gold Medal.		
All American.	Kingsbury Regular.		
American Pilsner.	Kingsbury Pale.		
Ballentine.	Koenig Brau		
Barbarossa.	Krueger.		
Beverwyck.	Lion.		
Beverwyck Big 10.	Maltz Brau.		
Blatz Pilsner.	Millers High Life.		
Buckingham.	Namar Premium.		
Budweiser.	Old Gold.		
Burger Brau.	Pabst Blue Ribbon.		
Canadian Ace.	Red Cap.		
Deerchuck.	Red Top.		
Dorquest.	Ruby.		
Edelbrew.	Silver Fox Deluxe.		
Edelbrew-Edelweiss.	Schlitz.		
Ehret.	Trim.		
Silver Fox.	Trommer's Light.		
Genessee.	Tormmer's White.		
Gold Coast.	Label.		
Gold Label.	Tru Blu.	*Cents*	*Cents*
All beer listed above		17	37
All other brands not listed above		12	30
Down's Arf & Arf, Van Merritt		21	40
Carta Blanca (imported), Doren's Export Lager (imported)		27	55
ALE			
Ballantine	Krueger Cream		
Ballantine Porter	Maltz Brau		
Bay State	Old Timers		
Bruck's Pale	Red Top		
Buckingham	Silver Fox Deluxe		
Canadian Ace	Spearman's English		
Carling's Red Cap	Type		
Fox Deluxe	Tru-Blu.		
All ale listed above		17	37
All other brands not listed above		12	30
Ballantine India Pale		21	45
Draught beer:			
8 oz. glass		10	------
10 oz. glass		11	------
12 oz. glass		12	------
All other size glasses		[1] 1	------

[1] Per ounce.

Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above price if such tax is separately stated and collected.

This Amendment No. 1 to Order No. G–1 under General Order No. 50 shall become effective August 29th 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; General Order 50, 8 F.R. 4808)

Issued this 25th day of August 1944.

W. F. Keehan,
Acting District Director.

[F. R. Doc. 44–14873; Filed, Sept. 26, 1944; 1:14 p. m.]

[Raleigh Rev. Order G–1 Under Gen. Order 50]

Malt and Cereal Beverages in Designated Counties in North Carolina

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Raleigh, North Carolina District Office of Region IV of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944, it is hereby ordered:

Section 1. *Purpose of order.* Order No. G–1 under General Order 50 issued by the District Director of the Raleigh, North Carolina District Office of the Office of Price Administration on the 27th day of June, 1944, was issued for the purpose of establishing specific maximum prices for malt and cereal beverages, including those commonly known as ale, beer and near-beer, either in containers or on draught when sold or offered for sale at retail by any eating or drinking establishment, either for consumption on the premises or when carried away. Order No. G–1 under General Order 50 is redesignated Revised Order No. G–1 under General Order 50, and is revised and amended as herein set forth and issued for the same purpose and for the further purpose of clarifying and strengthening the order.

Sec. 2. *Geographical applicability.* The provisions of this order extend to all eating and drinking places or establishments located within the limits of the following named counties in the State of North Carolina: Alamance, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Sampson, Scotland, Tyrrell, Robeson, Vance, Wake, Warren, Washington, Wayne and Wilson.

Sec. 3. *Ceiling prices.* (a) On and after September 11, 1944, if you operate an eating or drinking establishment, you may not sell or offer for sale any beverage subject to this order at prices higher than

the applicable ceiling prices listed in the appendices hereof. You may, of course, charge lower prices at any time.

(b) If you sell any beverage subject to this order which is not specifically listed herein, and if you believe that the maximum price specified herein for such beverage is not appropriate to such beverage, you may make application to the Raleigh North Carolina District Office of the Office of Price Administration requesting that such beverage be specifically included in the appendices hereof. With or without such application, the Raleigh, North Carolina District Office of the Office of Price Administration may, at any time, and from time to time, add new or unlisted beverages, brands, types or sizes together with maximum prices for same to the lists set forth in the appendices hereof.

(c) You may not add any taxes to your ceiling prices set forth in the appendices hereof except those specifically provided therein, as all other taxes were taken into consideration in establishing the ceiling prices for each group of sellers.

SEC. 4. *How to figure your ceiling prices.* (a) This order divides eating and drinking establishments into three different groups and gives each group a different ceiling price. The group to which you belong depends on your legal ceiling prices in effect during the base period of April 4–10, 1943. You must figure the group to which you belong on the basis of your correct legal ceiling prices for that period.

(b) The group to which you belong depends on your legal ceiling prices for the beverages subject to this order in effect during the base period of April 4–10, 1943. If your legal ceiling prices for various brands and types of beverages subject to this order vary so that your ceiling prices on some brands or types seem to place you in one particular group and ceiling prices on others seem to classify you into a different group, you must classify yourself into the particular group representative of the prices at which the greater number of your sales were made. For the purpose of determining your classification as herein provided, no consideration may be given to sales of beverages listed in appendices other than Appendix A hereof. You must figure the group to which you belong as follows:

(1) *Group 1B.* Your establishment belongs to Group 1B if, during the base period of April 4–10, 1943, your legally established ceiling prices for beverages subject to this order were the same as, or more than, the prices listed in Appendix A hereof for Group 1B establishments.

(2) *Group 2B.* Your establishment belongs to Group 2B if, during the base period of April 4–10, 1943, your legally established ceiling prices for beverages subject to this order were the same as, or more than, the prices listed in Appendix A hereof for Group 2B establishments, but were less than those provided in Appendix A for Group 1B establishments.

(3) *Group 3B.* Your establishment belongs to Group 3B if, during the base period of April 4–10, 1943, your legally established ceiling prices for beverages subject to this order were less than the prices listed in Appendix A hereof for Group 2B establishments. All establishments not in operation during the base period of April 4–10, 1943, and all establishments which begin operating after the effective date of this order also belong to Group 3B.

(c) If your eating or drinking establishment was not in operation during the base period of April 4–10, 1943, but was in operation prior to the effective date of this order, and if the nearest similar eating or drinking establishment of the same type is one which is properly classified in Group 1B or Group 2B, you may, but not later than the first day of October, 1944, file an application with the Raleigh, North Carolina District Office of the Office of Price Administration, requesting that your establishment be reclassified into the same group to which its nearest similar eating or drinking establishment of the same type belongs. Until your application is acted upon, and unless your establishment is reclassified, it must retain the classification of a Group 3B seller, and must observe the ceiling prices as provided for that group in the appendices hereof. All such applications for reclassification must contain the following information:

(1) Name and address of the establishment and of its owner or owners.

(2) A description of the establishment showing its type (such as night club, hotel, restaurant, tavern) and the date it began operating.

(3) The selling prices by brand name of all beverages sold since the beginning of its operation.

(4) The names of the three nearest eating and drinking establishments of the same type, and their group number as determined under this order.

(5) Any other information pertinent to such application or which may be requested by the Office of Price Administration.

(d) If your eating and drinking establishment begins operation after the effective date of this order, you are classified as a Group 3B seller and may not sell or offer for sale beverages subject to this order at prices higher than those set forth for Group 3B sellers in the appendices hereof. However, if your nearest eating and drinking establishment of the same type is one which is properly classified as a Group 1B or Group 2B seller, you may, within and not later than 30 days from the time you begin operating, file an application with the Raleigh, North Carolina District Office, requesting that your establishment be reclassified into the same group in which its nearest eating and drinking establishment of the same type belongs. Until your application is acted upon and unless your establishment is reclassified, it must retain the classification of Group 3B and must observe the ceiling prices as provided for that group in the appendices hereof. All such applications for reclassification must contain the same information required by paragraph (c) of this section.

(e) After you have figured your proper group number under this section and have filed the required statement with your War Price and Rationing Board as provided in section 5, you may not change your group classification except as otherwise provided by this order.

SEC. 5. *Filing with War Price and Rationing Board.* (a) When you have figured your proper group under section 4 above you must, on or before September 11, 1944, file with your War Price and Rationing Board a signed statement with the name and address of your establishment, its type (such as night club, hotel, restaurant, tavern) and the group to which it belongs. Thereupon the War Price and Rationing Board will send you a card bearing your group number. If you begin operating your establishment after the effective date of this order, you must likewise file said signed statement in this manner as soon as you begin operating.

(b) If you are now in operation and have not filed the signed statement showing the group number to which you belong as provided in paragraph (a) above, you must do so immediately. If you have failed to file said signed statement as herein required, you are hereby classified as a Group 3B seller and you may not sell or offer for sale any beverage subject to this order at prices higher than the applicable ceiling price listed for Group 3B sellers in the appendices hereof. Failure to file said signed statement as herein provided is a violation of this order and also subjects you to the other penalties herein provided.

SEC. 6. *Modification of prices.* After you have determined your group and have put into effect the ceiling prices provided in this order for that group, the Office of Price Administration District Director for the District in which your establishment is located may direct you to charge lower ceiling prices:

(a) If, on the basis of your April 4–10, 1943 legal ceiling prices, this order properly applied, requires you to be placed into a group with lower ceiling prices.

(b) If, as a result of speculative, unwarranted, or abnormal increases, contrary to the purpose of the Emergency Price Control Act, as amended, your legal ceiling prices on April 4–10, 1943 were excessive in relation to the legal ceiling prices of other comparable establishments in the District.

SEC. 7. *Exempt sales.* The following sales are exempt from the operation of this order. However, unless they are otherwise exempt from price control, they shall remain subject to the appropriate maximum price regulation or order:

(a) Sales by persons on board common carriers (when operated as such), including railroad dining cars, club cars, bar cars, and buffet cars, or sales otherwise governed by Restaurant Maximum Price Regulation 1 (Dining Car Regulation).

(b) Sales by public and private hospitals insofar as they serve to patients.

(c) Sales by eating cooperatives formed by members of the Armed Forces (as, for example, officers' mess) operated as a non-profit cooperative (where no part of the net earnings inures to the benefit of any individual) which sells food items or meals on a cost basis (or

as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to members of the Armed Forces who are members of the cooperative.

(d) Sales where the beverages subject to this order are included in, and sold as part of, a meal and where the price of such beverage is included in the price of the meal. (Such sales remain under Restaurant Maximum Price Regulation 2.)

(e) Sales by the War Department or the Department of Navy of the United States through such Departments' sales stores, including commissaries, ships' stores ashore, and by stores operated as army canteens, post exchanges, or ships' activities.

(f) Bona fide private clubs insofar as such clubs sell only to members or bona fide guests of members. Whenever such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales an eating or drinking establishment and subject to this order. No club shall be considered to be exempt as a private club, within the meaning of this subparagraph, unless such club is a nonprofit organization and is recognized as such by the Bureau of Internal Revenue and unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and unless it is otherwise operated as a private club.

No club organized after the effective date of this order shall be exempt unless and until it has filed a request for exemption with the District Office of the Office of Price Administration of the area in which it is located, furnishing such information as may be required, and has received a communication from such office authorizing exemption as a private club.

SEC. 8. *Evasion.* If you are an operator of an eating or drinking establishment you must not evade the ceiling prices established by this order by any type of scheme or device; among other things (this is not an attempt to list all evasive practices) you must not:

(a) Institute any cover, minimum, bread and butter, service, corkage, entertainment, check-room, parking or other special charges which you did not have in effect on any corresponding day during the seven-day period from April 4–10, 1943, or

(b) Increase any cover, minimum, bread and butter, service, corkage, entertainment, check-room, parking or other special charges which you had in effect on any corresponding day during the seven-day period from April 4–10, 1943, or

(c) Require as a condition of sale of a beverage the purchase of other items or meals, except that during the hours from 11:30 a. m. to 1:30 p. m. and the hours from 6:00 p. m. to 8:00 p. m., any eating or drinking establishment which derives not less than 70% of its gross revenue from the sales of prepared food items (not including beverage items) sold for consumption on the premises may refuse to sell beverages subject to this order for consumption on the premises during those hours to persons who do not also purchase food items.

SEC. 9. *Records and menus.* If you are an operator of an eating or drinking establishment subject to this order you must observe the requirements of General Order 50, as well as Restaurant Maximum Price Regulation No. 2, either as revised and amended or as may be revised and amended, with reference to the filing and keeping of menus and the preservation and keeping of customary and future records. Among other provisions of General Order 50, are the following:

(a) Preserve all existing records relating to prices, cost and sales of food items, meals and beverages;

(b) Continue to prepare and maintain such records as have been ordinarily kept;

(c) Keep for examination by the Office of Price Administration two copies of each menu used by the establishment each day, or a daily record in duplicate of the prices charged for food items, beverages and meals. If the establishment has customarily used menus, it must continue to do so.

SEC. 10. *Posting of prices.* If you are an operator of an eating or drinking establishment you must post and keep posted, the ceiling prices of the beverages subject to this order sold by your establishment, either by:

(a) Supplying the customers menus or bills of fare showing the beverages subject to this order which are sold by the establishment; and showing the brand name, quantity and ceiling price of each kind and type of bottled beverage, and the quantity and ceiling price of all beverages sold on draught, or

(b) Posting a sign giving the same information as required on menus or bills of fare by subparagraph (a) above. Such a sign must be posted in the establishment at a place where it can easily be read by the customers. If you prefer you may use a similar sign furnished by the Office of Price Administration.

(c) No establishment which fails to comply with the posting requirements of this section may sell any beverage subject to this order at a higher price than provided for Group 3B sellers in the appendices hereof during such time as such establishment is not in compliance with this section.

SEC. 11. *Posting of group number.* (a) If you operate an eating or drinking establishment selling at retail beverages subject to this order you must post, and keep posted, in the premises a card or cards clearly visible to all purchasers showing the group number of your establishment as classified under this order. The card must read "OPA 1B", "OPA 2B", or "OPA 3B", whichever is applicable. You may use the card or cards furnished you for this purpose by the War Price and Rationing Board.

(b) No establishment which fails to comply with the posting requirements of this section may sell any beverage subject to this order at a higher price than provided for Group 3 sellers in the appendices hereof during such time as such establishment is not in compliance with this section.

SEC. 12. *Receipts and sales slips.* Regardless of whether or not receipts have customarily been issued, upon request by any customer at the time of payment, a receipt containing a full description of the beverage sold and the price of same must be issued. Such receipts must show the date of issue and bear the signature of the person issuing same. If you have customarily issued receipts or sales slips you may not now discontinue the practice.

SEC. 13. *Operation of several places.* If you own or operate more than one place selling beverages subject to this order, you must do everything required by this regulation for each place separately.

SEC. 14. *Enforcement.* If you violate any provision of this regulation you are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspensions of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Licensing.* The provisions of Licensing Order No. 1 licensing all persons who make sales under price control, are applicable to all sellers subject to this order. If you are a seller subject to this order your license is suspended for violation of the license or of the order. If your license is suspended you may not, during the period of suspension, make any sale for which your license has been suspended.

SEC. 16. *Relation to other maximum price regulations.* This order supersedes the provisions of Maximum Price Regulation No. 259 and the General Maximum Price Regulation insofar as such provisions were applicable to sales at retail by eating and drinking establishments of beverages subject to this order. Sales of beverages subject to this order when sold as part of a meal and when the price of same is included in the price of the meal remain subject to the provisions of Restaurant Maximum Price Regulation 2.

SEC. 17. *Definitions.* (a) "Malt beverage" is any malt beverage produced either within or without the Continental United States, and includes those commonly designated as beer, lager beer, ale, porter and stout.

(b) "Cereal beverage" is any beverage produced from cereals either within or without the Continental United States and commonly known as "near-beer".

(c) "On draught" means dispensed by a seller at retail from any container of ⅛ barrel or larger size.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(e) "Sales at retail" or "Selling at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user.

(f) "Eating or drinking establishment" shall include any place, establishment or location, whether temporary or permanent, in which any prepared food item or meal, or any beverage is sold for immediate consumption on the premises or to be carried away without substantial change in form or substance. However, grocery and other stores that do not sell food items or meals, or beverage for immediate consumption on the premises are specifically excluded from this definition.

(g) "Other definitions". Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulation, shall apply to the other terms used herein.

SEC. 18. *Transfers of business or stock in trade.* If the business assets; or stock in trade of any establishment are hereafter sold or otherwise transferred, or have been sold or transferred subsequent to April 10, 1943, and the transferee carries on the business or continues to sell malt beverages covered by this order in the same location, the maximum prices of the transferee shall be the same as those to which its transferor would have been subject if no such transfer had taken place, and its obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record-keeping requirements of this order. If there is a lapse of business operations in connection with such a transfer for a period of sixty days, selling prices shall be determined as provided in section 4 for a new seller.

SEC. 19. *Changes in location.* If any establishment is hereinafter moved to a new location, the establishment shall be considered a new seller under this order and shall determine its ceiling prices under the provisions of section 4.

SEC. 20. *Petitions for amendment.* Any person dissatisfied with any of the provisions of this order may request the Office of Price Administration to amend the order. Such petition for amendment must be filed in pursuance to the provisions of Revised Procedural Regulation No. 1, except that the petition for amendment shall be directed to, filed with, and acted upon, by the District Director of the Raleigh, North Carolina District Office.

SEC. 21. *Revocation and amendment.* This order may be revoked, amended, or corrected at any time.

SEC. 22. *Effective date.* This order shall become effective September 11, 1944.

NOTE: The reporting and record keeping requirements of this order have been approved by the Bureau of the Budget and in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681; G.O. 50, 8 F.R. 4808)

Issued at Raleigh, North Carolina this 1st day of September 1944.

THEODORE S. JOHNSON,
District Director.

APPENDIX A

PART I—BOTTLED BEERS AND ALES: GROUP 1B

Commodity and brand or trade name	Maximum price per bottle	
	12 ounce	32 ounce
Beer:		
Ballantine	$0.25	$0.50
Barbarossa	.25	.50
Blatz Pilsner	.25	.50
Budweiser	.25	.00
Canadian Ace	.25	.50
Loewers	.25	.50
Miller's High Life	.25	.50
Namar Premium	.25	.50
National Premium	.25	.50
Pabst Blue Ribbon	.25	.50
Schlitz	.25	.50
Trim	.25	.50
Tru-Blu Old Fashioned	.25	55
Ale:		
Ballantine	.25	.50
Canadian Ace	.25	.50
Carling's Red Cap	.25	.50
Krueger Cream	.25	.50
Red Top	.25	.50
Imported beer:		
Carta Blanca	.35	
All other brands of domestic or imported beer and ale not listed above and not listed in Appendix B hereof including unlabeled beer and ale	.20	.45

The above prices include all State taxes, sales or otherwise, and all Federal taxes with the exception of the Federal excise tax on cabarets. Sellers who are required to pay the Federal excise tax on cabarets may add the same to the above price if such tax is separately stated and collected.

(See Part II of this Appendix A for draft beer and ale.)

GROUP 2B

Commodity and brand or trade name	Maximum price per bottle	
	12 ounce	32 ounce
Beer:		
Ballantine	$0.20	$0.45
Barbarossa	.20	.45
Blatz Pilsner	.20	.45
Budweiser	.20	.45
Canadian Ace	.20	.45
Loewers	.20	.45
Miller's High Life	.20	.45
Namar Premium	.20	.45
National Premium	.20	.45
Pabst Blue Ribbon	.20	.45
Schlitz	.20	.45
Trim	.20	.45
Tru-Blu Old Fashioned	.20	.45
Ale:		
Ballantine	.20	.45
Canadian Ace	.20	.45
Carling's Red Cap	.20	.45
Krueger Cream	.20	.45
Red Top	.20	.45
Imported beer:		
Carta Blanca	.30	
All other brands of domestic or imported beer and ale not listed above and not listed in Appendix B hereof including unlabeled beer and ale	.15	.40

The above prices include all State taxes, sales or otherwise, and all Federal taxes with the exception of the Federal excise tax on cabarets. Sellers who are required to pay the Federal excise tax on cabarets may add the same to the above prices if such tax is separately stated and collected.

(See Part II of this Appendix A for draft beer and ale.)

GROUP 3B

Commodity and brand or trade name	Maximum price per bottle	
	12 ounce	32 ounce
Beer:		
Ballantine	$0.17	$0.42
Barbarossa	.17	.42
Blatz Pilsner	.17	.42
Budweiser	.17	.42
Canadian Ace	.17	.42
Loewers	.17	.42
Miller's High Life	.17	.42
Namar Premium	.17	.42
National Premium	.17	.42
Pabst Blue Ribbon	.17	.42
Schlitz	.17	.42
Trim	.17	.42
Tru-Blu Old Fashioned	.17	.42
Ale:		
Ballantine	.17	.42
Canadian Ace	.17	.42
Carling's Red Cap	.17	.42
Krueger Cream	.17	.42
Red Top	.17	.42
Imported beer:		
Carta Blanca	.27	
All other brands of domestic or imported beer and ale not listed above and not listed in Appendix B hereof including unlabeled beer and ale	.12	.37

The above prices include all State taxes, sales or otherwise, and all Federal taxes with the exception of the Federal excise tax on cabarets. Sellers who are required to pay the Federal excise tax on cabarets may add the same to the above prices if such tax is separately stated and collected.

(See Part II of this Appendix A for draft beer and ale.)

PART II—DRAFT BEERS AND ALES

Commodity and brand or trade name	Contents of container	Maximum prices for groups		
		1B	2B	3B
Draft beer and ale: All brands	(8 oz.	$0.10	$0.09	$0.09
	(10 oz.	.12	.11	.11

NOTE: For any size of container other than those set forth above the maximum price for sellers of all groups shall be 1¢ per ounce.

The above prices include all State taxes, sales or otherwise, and all Federal taxes with the exception of the Federal excise tax on cabarets. Sellers who are required to pay the Federal excise tax on cabarets may add the same to the above price if such tax is separately stated and collected.

APPENDIX B

NOTE: This Appendix B fixes maximum prices for all groups of sellers on certain so-called "intermediate priced" beers and ales. A seller may not establish his group on the basis of the prices given in Appendix B but must determine his group on the basis of prices given for the other brands covered by Appendix A.

Commodity and brand or trade name	Size of bottle	Maximum prices for groups		
		1B	2B	3B
Beer:	*Ounces*			
Bay State	12	$0.20	$0.17	$0.17
Burger Brau	12	.20	.17	.17
Dover	12	.20	.17	.17
Ehret	12	.20	.17	.17
Esslinger's	12	.20	.17	.17
Genesco	12	.20	.17	.17
Gold Label	12	.20	.17	.17
Gold Medal Tivoli	12	.20	.17	.17
Holland	12	.20	.17	.17
Hornung's	12	.20	.17	.17
Koenig Brau	12	.20	.17	.17
Krueger	12	.20	.17	.17
Lion	12	.20	.17	.17
P. O. S	12	.20	.17	.17
Bay State	32	.45	.42	.42
Burger Brau	32	.45	.42	.42
Dover	32	.45	.42	.42
Ehret	32	.45	.42	.42
Esslinger's	32	.45	.42	.42
Genesco	32	.45	.42	.42
Gold Label	32	.45	.42	.42
Gold Medal Tivoli	32	.45	.42	.42
Holland	32	.45	.42	.42
Hornung's	32	.45	.42	.42
Koenig Brau	32	.45	.42	.42
Krueger	32	.45	.42	.42
Lion	32	.45	.42	.42
P. O. S	32	.45	.42	.42

Commodity and brand or trade name	Size of bottle	Maximum prices for groups		
		1B	2B	3B
Ale:	*Ounces*			
Bay State	12	$0.20	$0.17	$0.17
Dover	12	.20	.17	.17
New England	12	.20	.17	.17
Esslinger's Little Man	12	.20	.17	.17
Bay State	32	.45	.42	.42
Dover	32	.45	.42	.42
New England	32	.45	.42	.42
Esslinger's Little Man	32	.45	.42	.42

The above prices include all State taxes, sales or otherwise, and all Federal taxes with the exception of the Federal excise tax on cabarets. Sellers who are required to pay the Federal excise tax on cabarets may add the same to the above prices if such tax is separately stated and collected.

[F. R. Doc. 44-14874; Filed, Sept. 26, 1944; 1:15 p. m.]

[Roanoke Order 1 Under Restaurant MPR 2]

Posting Requirements in Roanoke, Va., District

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Roanoke (Virginia) District Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered.

Section 1. *Posting requirements.* If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

Sec. 2. *Filing of lists of posted prices.* When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944.

Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment, and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference, so that corrections can be made.

Sec. 3. *Replacement of posters.* If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

Sec. 4. *Geographical applicability.* The provisions of this order extend to all eating and drinking establishments located within the Roanoke (Virginia) District of the Office of Price Administration.

Sec. 5. *Exemptions.* All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

Note: The reporting and record-keeping provisions of this Order No. 1 under Restaurant Maximum Price Regulation No. 2 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1944.

Marshall S. McClung,
Acting District Director.

Appendix A

Appetizer:
- Tomato or fruit juice.

Soup:
- Chicken broth.
- Vegetable soup.

Egg dishes:
- Two eggs, any style.
- Ham and eggs.

Fish entrees:
- Fried fish.
- Fried oysters.
- Oyster stew.

Meat entrees:
- Liver and bacon.
- Pork chops.
- Roast beef.
- Roast pork or ham.
- Lamb stew or any meat stew.
- Corned beef hash or any meat hash.
- Veal cutlet.
- Fried chicken.
- Meat pies.
- Virginia ham.
- Cold cuts.
- Hot meat sandwiches.
- Hamburger steak.
- Steaks (sirloin, T-bone, etc.).

Sandwiches:
- Ham.
- Hamburger.
- American cheese.
- Lettuce and tomato.

Salad:
- Combination salad.
- Fruit salad.
- Vegetable salad.

Beverages:
- Coffee.
- Tea.
- Milk.

Miscellaneous items:
- Frankfurters.
- Hot cakes and syrup.
- Cereals—hot or cold.
- Baked spaghetti or macaroni.
- Vegetable plate.

Desserts:
- Ice cream.
- Pie.

Meals:
- Club breakfast (one or more).

[F. R. Doc. 44-14875; Filed, Sept. 26, 1944; 1:03 p. m.]

[Region V Order G-1 Under Gen. Order 50, Amdt. 3]

Maximum Prices for Malt Beverages in Designated Southern States

For the reasons set forth in the opinion issued simultaneously herewith and under authority vested in the Regional Administrator by Revised General Order No. 50, the Region V Order G-1 under General Order 50, Maximum Prices for Malt Beverages in Designated Southern States, is amended as follows:

(1) Table I in section 20, Appendix A, is amended by adding the following brand names to the list of brands:

Goebels.
Oltimer Beer.
Four Crown Special.

(2) Table I in section 20, Appendix A, is amended by deleting the following brand from the list of brands:

Medford Lager.

(3) Table II in section 20, Appendix A, is amended by adding the following brand name to the list of brands:

Medford Lager.

(4) Table II in section 20, Appendix A, is amended by deleting the following name brands from the list of brands:

Old Timer.
4 Crown X.

(5) Table III in section 20, Appendix A, is amended by adding the following brand names and group prices thereof:

Brand	Group 1B		Group 2B		Group 3B	
	12 oz.	7 oz.	12 oz.	7 oz.	12 oz.	7 oz.
	Ct.	Ct.	Ct.	Ct.	Ct.	Ct.
Champ Ale	20	------	25	------	20	------
Acme Ale	20	------	25	------	20	------

(6) Section 21, Appendix B, is amended as follows:

(a) The following brand names are added to the table "Brands of Beer Listed in Table I":

Goebels.
Oltimer Beer.
Four Crown Special.

(b) The following brand name is deleted from the table "Brands of Beer Listed in Table I":

Medford Lager.

(c) The following brand name is added to the table "Brands of Beer Listed in Table II":

Medford Lager.

(d) The following brand names are deleted from the table "Brands of Beer Listed in Table II":

Old Timer.
4 Crown X.

This amendment shall become effective September 13, 1944.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; General Order 50, 8 F.R. 4808)

Issued at Dallas, Texas, this the 12th day of September 1944.

W. A. ORTH,
Acting Regional Administrator.

[F. R. Doc. 44-14876; Filed, Sept. 26, 1944; 1:16 p. m.]

[Springfield Order 1 Under Restaurant MPR 2]

POSTING REQUIREMENTS IN SPRINGFIELD, ILL., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Springfield District Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

SECTION 1. *Posting requirements.* If you own or operate an eating or drinking establishment of any kind or type, or both, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly and easily visible to your customers.

SEC. 2. *Filing of lists of posted prices.* When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference so that corrections can be made.

SEC. 3. *Replacement of posters.* If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

SEC. 4. *Geographical applicability.* The provisions of this order extend to all eating and/or drinking establishments located within the Springfield District of the Office of Price Administration.

SEC. 5. *Exemptions.* All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

NOTE: The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 5681)

Issued this 31st day of July 1944.

CARTER JENKINS,
District Director.

APPENDIX A

1. Coffee.
2. Milk.
3. Tomato juice.
4. Orange juice.
5. Cornflakes.
6. Oatmeal.
7. Two fried eggs.
8. Ham and eggs.
9. Toast.
10. Sweet rolls.
11. Wheat cakes.
12. Waffles.
13. Vegetable soup.
14. Tomato soup.
15. Pot roast of beef (dinner or luncheon).
16. Veal cutlet.
17. Pork chops.
18. Lamb chops.
19. Stews (any kind).
20. Fried chicken (dinner).
21. Cat fish.
22. Chilli.
23. Spaghetti and meat balls.
24. Baked beans.
25. Chop suey.
26. French fries.
27. Combination salad.
28. Apple pie.
29. Layer cake.
30. Ice cream.
31. Chocolate milk shake.
32. Chocolate soda.
33. Chocolate sundae.
34. Grape fruit.
35. Rice pudding.
36. Ham sandwiches.
37. Cheese sandwiches.
38. Hot pork sandwiches.
39. Egg sandwiches.
40. Hamburger sandwiches.

[F. R. Doc. 44-14877; Filed, Sept. 26, 1944; 1:08 p. m.]

[Region VII Order G-27 Under RMPR 122]

SOLID FUELS IN DESIGNATED SECTIONS IN IDAHO

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Order No. G-27 is issued.

This order adjusts the present maximum prices for the kinds and sizes of coal specified in sixteen small trade areas throughout that part of the State of Idaho lying south of the southern boundary of Idaho County, which said trade areas have populations ranging from 450 to 7,300, and eleven of which have populations of less than 2,500. This action is taken under § 1340.259 (a) (1) on a local shortage basis.

(a) *What this order does.* This order takes cognizance of specific situations actually existing in the small trade areas covered hereby and maintains and perpetuates the present maximum prices as established under Revised Maximum Price Regulation No. 122, with such essential adjusted increases as have been found to be necessary to maintain the local supply of coal, but in no event does such adjusted increase exceed 30¢ per ton.

(b) *To what sales this order applies.* If you sell coal of the kind specified in any one or more of the trade areas named in paragraph (c) hereof and make delivery thereof, either by truck direct from the mine or from or at your yard, to any person within any one of such trade areas, the maximum prices which you may charge therefor are your present maximum prices as established under Revised Maximum Price Regulation No. 122, plus the specific increase per ton specified in paragraph (c) hereof.

(c) *Trade areas and adjusted increases.* The trade areas covered and the adjusted increases for bituminous coal produced

in District 20, Sub-district 1, authorized by this Order No. G-27 are as follows:

Trade area	Size	Per ton increase
		Cents
(1) Wendell, Idaho	1⅝" & 1" x 0" slack	30
(2) Hagerman, Idaho	1⅝" & 1" x 0" slack	30
(3) Burley, Idaho	1⅝" & 1" x 0" slack	30
(4) Rupert, Idaho	8" x 10" lump	30
	3" lump	30
	10" x 3" stove	30
	8" x 3" stove	30
	3" x 1⅝" nut	30
	1⅝" x 1" pea	30
	1" x 3/16" stoker	30
	1⅝" & 1" x 0" slack	30
(5) Kimberly, Idaho	1" x 3/16" stoker	30
	1⅝" & 1" x 0" slack	25
(6) Fairfield, Idaho	8" & 10" lump	30
	3" lump	30
	10" x 3" stove	30
	8" x 3" stove	30
	3" x 1⅝" nut	30
	1⅝" x 1" pea	30
	1" x 3/16" stoker	30
(7) Bellevue, Idaho	1⅝" x 1" x 0" slack	30
(8) Hailey, Idaho	1" x 3/16" stoker	30
	1⅝" & 1" x 0" slack	30
(9) Richfield, Idaho	8" & 10" lump	30
	3" lump	30
	10" x 3" stove	30
	8" x 3" stove	30
	3" x 1⅝" nut	30
	1" x 3/16" stoker	30
	1⅝" & 1" x 0" slack	30
(10) Arimo, Idaho	8" & 10" lump	30
	3" lump	30
	10" x 3" stove	30
	8" x 3" stove	30
	3" x 1⅝" nut	30
	1⅝" & 1" x 0" slack	10
(11) Downey, Idaho	3" x 1⅝" nut	15
(12) McCammon, Idaho	1⅝" & 1" x 0" slack	30
(13) Preston, Idaho	8" & 10" lump	30
	3" lump	30
	3" x 1⅝" nut	30
	1⅝" & 1" x 0" slack	30
(14) Malad, Idaho	1⅝" x 1" pea	25
(15) Rexburg, Idaho	8" & 10" lump	30
	3" lump	30
	10" x 3" stove	30
	8" x 3" stove	30
	1" x 3/16" stoker	30
	1⅝" & 1" x 0" slack	15
16) Shelley, Idaho	8" & 10" lump	30
	3" lump	15
	10" x 3" stove	15
	8" x 3" stove	15
	3" x 1⅝" nut	5
	1⅝" & 1" x 0" slack	5

(d) *Determination of mixed coal prices.* If you mix sizes or kinds of coal, your maximum prices shall be the proportionate sum of your maximum price per net ton as adjusted by this order for each of the coals so mixed, adjusted to the nearest five cents.

(e) *Applicability of other regulations.* Except as to the adjusted increases established by this Order No. G-27, you remain subject to all the terms and provisions of Revised Maximum Price Regulation No. 122 and must comply therewith.

(f) *Right to revoke or amend.* This Order No. G-27 may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

(g) *Effective date.* This Order No. G-27 shall become effective on the 14th day of September 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1944.

J. W. PENFOLD,
Acting Regional Administrator.

[F. R. Doc. 44-14878; Filed, Sept. 26, 1944; 1:09 p. m.]

No. 194——7

[Region VII Order G-35 Under 18 (c), Amdt. 2]

IMITATION FRUIT PRESERVES, ETC., IN DENVER REGION

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. Subparagraphs (1) and (2) of paragraph (a) are amended to read as follows:

(1) Manufacturers' and packers' maximum prices f. o. b. plant for imitation fruit preserves and jams in 15-ounce, 1-pound, 31-ounce, 2-pound, 4-pound 8-ounce, 5-pound, 5-pound 4-ounce, and 30-pound kit containers shall from and after the effective date of this Amendment No. 2 be as follows:

	15 Ounces		1 Pound	
	25% fruit 20% pectin 55% sugar	30% fruit 15% pectin 55% sugar	25% fruit 20% pectin 55% sugar	30% fruit 15% pectin 55% sugar
	Per dozen	*Per dozen*	*Per dozen*	*Per dozen*
Treefruits—assorted	$1.41	$1.92	$1.51	$2.04
Tree and berry—assorted	1.55	2.09	1.67	2.23
Berry—assorted	1.69	2.16	1.80	2.31
Strawberry	1.73	2.21	1.85	2.35
Youngberry	1.79	2.27	1.90	2.42
Blackberry	1.75	2.23	1.87	2.33
Peach	1.60	1.95	1.60	2.03
Plum	1.53	2.04	1.63	2.18
Cherry	1.65	2.13	1.73	2.23
Black raspberry	1.77	2.29	1.89	2.41
Raspberry	1.77	2.23	1.89	2.41

	31 Ounces		2 Pounds	
	Per dozen	*Per dozen*	*Per dozen*	*Per dozen*
Treefruits—assorted	$2.55	$3.42	$2.63	$3.53
Tree and berry—assorted	2.85	3.77	2.94	3.89
Berry—assorted	3.04	4.02	3.21	4.15
Strawberry	3.17	4.05	3.23	4.18
Youngberry	3.29	4.19	3.33	4.32
Blackberry	3.22	4.19	3.32	4.23
Peach	2.81	3.63	2.90	3.80
Plum	2.97	3.83	3.07	4.00
Cherry	3.13	4.08	3.23	4.19
Black raspberry	3.27	4.16	3.37	4.29
Raspberry	3.27	4.16	3.37	4.29
Boysenberry				3.60
Apricot				3.60
Pineapple				3.60
Pine cot				3.80
Loganberry				3.85

	4 Lbs. 8 Oz.		5 Pounds	
	Per dozen	*Per dozen*	*Per dozen*	*Per dozen*
Treefruits—assorted	$5.71	$7.33	$3.62	$3.41
Tree and berry—assorted	6.65	8.31	7.66	9.50
Berry—assorted	7.19		8.16	
Strawberry	7.42	9.15	8.62	10.43
Youngberry	7.69	9.47	8.81	10.79
Blackberry	7.62	9.29	8.62	10.56
Peach	6.25	7.85	7.21	8.99
Plum	6.63	8.20	7.63	9.49
Cherry	6.99	8.73	8.03	9.97
Black raspberry	7.63	9.49	8.75	10.72
Raspberry	7.63	9.49	8.75	10.72
Boysenberry	6.25	7.85		
Apricot	6.75	7.85		
Pear	6.75			
Pineapple	6.80	8.49		
Pine cot	6.80	8.49		
Loganberry	6.89	8.43		

	5 Lbs. 4 Oz.		30-Pound Kit	
	Per dozen	*Per dozen*	*Each*	*Each*
Treefruits—assorted	$3.83	$3.71		
Tree and berry—assorted	7.02	9.85		
Berry—assorted	8.45			
Strawberry	8.83	10.84	$3.85	$4.92
Youngberry	9.14	11.21	3.79	4.84
Blackberry	8.94	10.97	3.70	4.73
Peach	7.46	9.32	3.20	4.25
Plum	7.69	9.85	3.51	4.50
Cherry	8.32	10.35	3.71	4.74
Black raspberry	9.07	11.13	3.96	5.06
Raspberry	9.07	11.13	3.96	5.06
Boysenberry				
Apricot				
Pear				
Pineapple			3.50	4.50
Pine cot				
Loganberry				

(2) Manufacturers' and packers' maximum prices f. o. b. plant for imitation fruit jellies shall, from and after the effective date of this Amendment No. 2, be as follows:

Jelly, 12½% Fruit Juice, 32½% Pectin, 55% Sugar

	Per dozen
10 Oz. Tumblers, assorted	$1.26
13 Oz. Tumbers, assorted	$1.53

2. Paragraph (e) is amended to read as follows:

(e) *Notification of change in maximum prices.* With the first delivery after the effective date of Amendment No. 2 to this Order No. G-35 of an item of fruit preserves, jams, or jellies in any case where a seller determines his maximum price pursuant to this regulation, he shall supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for _____ (describe item by kind, flavor, brand and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422, or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification on or after September 20, 1944. You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422, or 423, whichever is applicable to you.

For a period of 60 days after making such change in the maximum price of an item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each packer shall include in each case or carton containing the item the written notice set forth above.

3. This Amendment No. 2 shall become effective on September 20, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of September 1944.

J. W. PENFOLD,
Acting Regional Administrator.

[F. R. Doc. 44-14879; Filed, Sept. 26, 1944; 1:09 p. m.]

[Region VIII, Orders G-3, G-4, G-6, G-7, G-9, G-10, and G-11 Under MPR 333, Revocation]

EGG AND EGG PRODUCTS IN SAN FRANCISCO REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by the authority reserved in paragraph (b) of Order No. G-3, paragraph (c) of Order No. G-4, paragraph (d) of Order No. G-6, paragraph (e) of Order No. G-7, paragraph (b) of Order No. G-9, paragraph (d) of Order No. G-10, and paragraph (c) of Order No. G-11 under Maximum Price Regulation No. 333, as amended, Orders Nos. G-3, G-4, G-6, G-7, G-9, G-10 and G-11 under Maximum Price Regulation No. 333, as amended, are hereby revoked.

This order shall become effective September 25, 1944.

(56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of September 1944.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 44-14880; Filed, Sept. 26, 1944; 1:10 p. m.]

[Region VIII Rev. Order G-3 Under 3 (e)]

NASH & KINSELLA LABORATORIES, INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in the accompanying opinion and pursuant to the authority conferred upon the Regional Administrator of the Office of Price Administration by § 1499.3 (e), as amended, of the General Maximum Price Regulation, it is ordered that Order No. G-3 under § 1499.3 (e), as amended, of the General Maximum Price Regulation, be amended and revised in its entirety to read as follows:

(a) The maximum prices for sales at wholesale and at retail of the articles hereafter listed, manufactured by Nash & Kinsella Laboratories, Inc., 1218 Olive Street, St. Louis, Missouri, or manufactured by its predecessor or any successor in business, by resellers subject to the General Maximum Price Regulation who cannot determine their maximum prices under sections 2 or 3 (a) of the General Maximum Price Regulation shall be as follows:

(1) TWO-WAY INSECTICIDE

Screen paint	Sales at wholesale	Sales at retail
4 oz. bottle	$3.82 dozen	$0.49 each.
8 oz. bottle	$6.94 dozen	$0.89 each.
16 oz. bottle	$10.84 dozen	$1.39 each.
32 oz. bottle	$15.52 dozen	$1.99 each.
Gallon	$16.38 case of 4 gallons	

(2) TWO-WAY INSECT REPELLENT

	Sales to jobbers	Sales at wholesale (except to jobbers)	Sales at retail
2 oz. bottle	$6.55—3 dozen	$8.19—3 dozen	$12.60—3 dozen or $0.35 each.

(b) This order shall apply to sales in the States of California, Washington, Nevada, Oregon, except Malheur County, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho;

(c) This order shall be subject to revocation or amendment at any time hereafter either by special order or by any price regulation issued hereafter or by any supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(d) This order shall become effective September 25, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of September 1944.

GEORGE MONCHARSH,
Acting Regional Administrator.

[F. R. Doc. 44-14881; Filed, Sept. 26, 1944; 1:11 p. m.]

[Region VIII Rev. Order G-7 Under MPR 280, Amdt. 1]

FLUID MILK AND CREAM IN WASHINGTON

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.817 (a) of Maximum Price Regulation No. 280, Paragraph (a) (3) of Revised Order No. G-7 under Maximum Price Regulation No. 280 is hereby amended as follows:

(a) Notwithstanding any of the foregoing provisions of this paragraph, the maximum prices at which the Skagit County Dairymen's Association may sell milk as a handler f. o. b. its plant located in Burlington, Washington, to any purchaser located within the counties of Skagit and Island, shall be 82¢ per pound milkfat.

(b) This amendment shall become effective September 24, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of September 1944.

GEORGE MONCHARSH,
Acting Regional Administrator.

[F. R. Doc. 44-14882; Filed, Sept. 26, 1944; 1:11 p. m.]

[Region VIII Order G-1 Under SR 15, Amdt. 2]

FLUID MILK IN OREGON AND CERTAIN PORTIONS OF WASHINGTON

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by special authorization from the Price Administrator dated September 18, 1944, it is hereby ordered that paragraph (a) of Order G-1 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation be amended by adding at the end thereof the following:

THE TOWN OF MAUPIN IN THE STATE OF OREGON

Quantity	Retail	Wholesale
Quart	$0.155	$0.1375

THE TOWN OF ELETON IN THE STATE OF OREGON

Quantity	Retail	Wholesale
Quart	$0.145	$0.13

This amendment shall become effective September 21, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of September 1944.

CHARLES R. BAIRD,
Regional Administrator.

[F. R. Doc. 44-14883; Filed, Sept. 26, 1944; 1:11 p. m.]

[Region VIII Order G-3 Under MPR 329, Amdt. 8]

FLUID MILK IN SAN FRANCISCO REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (b) of Maximum Price Regulation 329, as amended, paragraph (k) (1) is amended to read as follows:

(a) The permitted addition must be paid on or before October 7, 1944.

This amendment may be revoked, amended, or corrected at any time.

This amendment shall become effective September 23rd, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 19th day of September 1944.

GEORGE MONCHARSH,
Acting Regional Administrator.

[F. R. Doc. 44-14884; Filed, Sept. 26, 1944; 1:12 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-953]

ELECTRIC POWER & LIGHT CORP. AND ARKANSAS POWER & LIGHT CO.

SUPPLEMENTAL ORDER APPROVING SALE OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of September A. D. 1944.

Electric Power & Light Corporation, a registered holding company, and its subsidiary, Arkansas Power & Light Company, a public utility company, having filed a joint declaration and application proposing inter alia the surrender by Electric to Arkansas of all of the securities of the latter held by Electric, consisting of 7,697 shares of $7 Preferred Stock and 1,233,638 shares of no par value common stock, and the payment by Electric to Arkansas of $4,000,000 in cash, being part of the proceeds of the sale by Electric of the common stock of Idaho Power Company, and further proposing that Arkansas issue to Electric 1,070,000 shares of new $12.50 par value common stock of Arkansas in exchange for such securities and cash; and

Arkansas and Electric having requested in said joint application and declaration that the transactions therein proposed be found necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and

This Commission having by order dated September 16, 1944 granted said application and permitted said declaration to become effective and having found the transactions to be necessary and appropriate to effectuate the provisions of section 11 (b) but not having included in its order a recital in the form prescribed in section 371 (b) of the Internal Revenue Code, as amended;

It is hereby ordered, nunc pro tunc, That the expenditure by Electric of $4,000,000 of the proceeds of the sale of the common stock of Idaho Power Company and the surrender by Electric to Arkansas of 7,697 shares of $7 Preferred Stock and 1,233,638 shares of no par value common stock of the latter company and the receipt of such cash and stock by Arkansas and its issuance to Electric of 1,070,000 shares of new $12.50 par value common stock are necessary and appropriate to the integration or simplification of the holding company system of which Electric is a member and necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (49 Stat. 870; U.S.C., Title 15, sec. 79K (b)) in accordance with the meaning and requirements of section 371 (b) of the Internal Revenue Code, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-14899; Filed, Sept. 27, 1944; 11:02 a. m.]

[File No. 70-933]

BIRMINGHAM ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of September A. D. 1944.

Birmingham Electric Company, a subsidiary of National Power & Light Company, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of the act of the issue and sale, in accordance with Rule U-50 promulgated under the act, of $10,000,000 principal amount of First Mortgage Bonds, 1974 Series, dated August 1, 1944 and maturing August 1, 1974; and

The Commission having by order dated September 19, 1944 granted said application except as to the price to be paid for said bonds, the redemption prices therefor, the interest rate thereon, the underwriters' spread and its allocation, and all legal fees and expenses to be paid in connection with the proposed transactions as to which matters jurisdiction was reserved; and

Birmingham Electric Company having filed a further amendment to the application in which it is stated that in accordance with the permission granted by the said order of the Commission dated September 19, 1944, it offered said bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidder	Price to company	Interest rate	Cost to company
Smith, Barney & Co. and Blyth & Co., Inc.	100.13	Percent 3	2.992406
Lehman Bros.	102.101	3⅛	3.015651
Kidder, Peabody & Co.	102.059	3⅛	3.021165
Halsey, Stuart & Co. Inc.	101.893	3⅛	3.025760
The First Boston Corporation	101.759	3⅛	3.043375

The said amendment having further stated that Birmingham Electric Company has accepted the bid of the group headed by Smith, Barney & Co. and Blyth & Co., Inc. for the bonds as set out above and that the bonds will be offered for sale to the public at 101% of principal amount resulting in an underwriters' spread of .87; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds, the redemption prices therefor, the interest rate thereon and the underwriters' spread and allocation thereof;

It is ordered, That the jurisdiction heretofore reserved over the price to be paid for said bonds, the redemption prices therefor, the interest rate thereon, and the underwriters' spread and its allocation thereof be, and the same hereby is released and said application be and hereby is granted, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction heretofore reserved over the legal fees to be paid in connection with the proposed transactions be continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-14901; Filed, Sept. 27, 1944; 11:02 a. m.]

[File No. 68-42]

INTERNATIONAL UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of September A. D. 1944.

International Utilities Corporation having filed a declaration and amendments thereto regarding the solicitation of proxies in connection with the election of persons to its Board of Directors at a special stockholders' meeting to be held on October 24, 1944, which solicitation is stated to follow the nomination and election procedure contained in the stipulation dated June 22, 1944 between Counsel for the Commission, declarant, and certain stockholders of declarant and approved by the United States District Court for the Southern District of New York by order dated July 1, 1944; and

The last amendment to said declaration having been filed on September 23, 1944 and declarant having requested that the effective date of such declaration be accelerated; and

The Commission being fully advised in the premises and finding that it is in the public interest and in the interest of investors and consumers to permit said declaration to become effective and to accelerate the effective date thereof;

It is ordered, That said declaration be and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-14900; Filed, Sept. 27, 1944; 11:02 a. m.]

[File No. 70-950]

OHIO EDISON CO. AND THE COMMONWEALTH & SOUTHERN CORP.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of September A. D. 1944.

Ohio Edison Company, a public utility company, and its parent, The Commonwealth & Southern Corporation, a registered holding company, having filed a joint application-declaration pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, U-44, U-45 and U-50 thereunder, regarding the issue and sale by competitive bidding pursuant to Rule U-50, of $30,962,000 principal amount of First Mortgage Bonds due 1974, and 180,000 shares of preferred stock with a par value of $100 per share, the interest rate on the bonds and the dividend rate on the preferred stock to be determined by the results of the competitive bidding, but in respect of the bonds not to exceed 3¼% and in respect of the preferred stock not to exceed 4½%; and

The Commission having by order dated September 14, 1944 granted the application and permitted the declaration to become effective except as to the price to be paid for the bonds and preferred stock, the redemption prices therefor, the coupon rate of the bonds and the dividend rate on the preferred stock, the underwriters' spread and its allocation, jurisdiction as to such matters having been reserved pending submission of the results of the competitive bidding; and

Ohio Edison Company and The Commonwealth & Southern Corporation having on September 26, 1944 filed a further amendment to the application and declaration stating that in accordance with the permission granted by the order of the Commission dated September 14, 1944, Ohio Edison Company offered the bonds and preferred stock for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

FOR THE BONDS

Bidder	Price to company	Coupon rate	Cost to company
	Percent	*Percent*	*Percent*
Morgan Stanley & Co.	101.417	3	2.9287
Halsey, Stuart & Co., Inc.	101.190571	3	2.94
Lazard Freres & Co.	100.7699	3	2.9611

FOR PREFERRED STOCK

Bidder	Price per share to company	Dividend rate	Cost to company
		Percent	*Percent*
Morgan Stanley & Co.	$100.717	4.40	4.3636
W. C. Langley & Co.	101.80	4.50	4.4204

The amendment further stating that Ohio Edison Company has accepted the bid of Morgan Stanley & Co. for the bonds as set out above and that the bonds will be offered for sale to the public at a price of 102.50% resulting in an underwriters' spread of 1.083% and

The amendment further stating that Ohio Edison Company has accepted the bid of Morgan Stanley & Co. for the preferred stock as set out above and that the preferred stock will be offered for sale to the public at a price of $103 per share resulting in an underwriters' spread of $2.283 per share; and

The Commission having examined the amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the matters as to which jurisdiction was reserved; and

The applicants-declarants having requested that the second condition contained in the order entered in this matter on September 14, 1944 be restated;

It is ordered, That the jurisdiction heretofore reserved over the price to be paid for the bonds and preferred stock, the redemption prices therefor, the coupon rate on the bonds and the dividend rate on preferred stock, the underwriters' spread and its allocation be, and the same hereby is, released and that the amendment filed on September 26, 1944 to the application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24;

It is further ordered, That the second of the two conditions set forth in the order herein dated September 14, 1944 be restated to read as follows:

2. That so long as any of the new bonds or new preferred stock shall remain outstanding, Ohio Edison Company shall not declare or pay any dividends on its common stock (other than dividends payable in common stock) or make any distribution of assets to holders of common stock by purchase of shares or otherwise, in an amount which, when added to the aggregate of all such dividends and distributions subsequent to the last day of the month in which the new bonds and new preferred stock are issued, would exceed 75% of the consolidated net income of Ohio and subsidiary companies earned subsequent to said date, if, at the time of the declaration of any such dividend or the making of any such distribution, the aggregate of the par value of, or stated capital represented by, the outstanding shares of common stock of Ohio and of the consolidated surplus of Ohio and subsidiary companies would be less than an amount equal to 25% of the total consolidated capitalization and consolidated surplus of Ohio and subsidiary companies. For the purpose of the foregoing provision, the terms "consolidated net income of Ohio and subsidiary companies earned subsequent to said date," "subsidiary company," "total consolidated capitalization" and "consolidated surplus of Ohio and subsidiary companies" shall have the meanings set forth in the registration statement in respect of the bonds and preferred stock filed by Ohio Edison Company under the Securities Act of 1933, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-14902; Filed, Sept. 27, 1944; 11:02 a. m.]

CHICAGO STOCK EXCHANGE

DECLARATION OF EFFECTIVENESS OF AMENDED PLAN

The Securities and Exchange Commission, having previously declared effective a plan for special offerings filed pursuant to Rule X-10B-2 (d) (§ 240.10 B-2 (d)) by the Chicago Stock Exchange; and the Chicago Stock Exchange, on September 14, 1944, having filed amendments to its plan for such special offerings;

The Securities and Exchange Commission having given due consideration to the special offering plan of the Chicago Stock Exchange, as amended, and having due regard for the public interest and for the protection of investors, pursuant to the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof, and Rule X-10B-2 thereunder, hereby declares the amended special offering plan of the Chicago Stock Exchange as filed on September 14, 1944 to be effective, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Exchange.

Effective: September 21, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-14898; Filed, Sept. 27, 1944; 11:02 a. m.]